

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45011 of 2023

Arising Out of PS. Case No.-145 Year-2022 Thana- DEV District- Aurangabad

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Annu Kumar @ Anu Kumar, aged about 31 years, Male, S/O Rampratap Sao,
R/O Village- Amiyawar, P.S.- Nasriganj, Dist. Rohtas.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sheetal Nandni @ Shital Nandni, D/O Sharda Prasad Gupta, R/O Village-
Deo Mallah Toli, P.S.- Deo, Dist. Aurangabad.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Vipin Kumar Singh, Advocate
For the O.P. No. 2	:	Mrs. Meena Singh, Advocate
For the State	:	Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

8 30-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Deo P.S. Case No. 145 of 2022 dated 09.06.2022 registered for the offences punishable under Sections 341, 323, 504, 506, 498A/34 of the I.P.C. and Section 3/4 of the D.P. Act.

4. As per the prosecution case, the petitioner and other



co-accused persons are alleged to have tortured the informant due to non-fulfilment of demand of Rs. 10,00,000/- as dowry for purchase of four wheeler vehicle.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. Learned counsel for the petitioner has relied upon the judgments of this Court in the case of “*Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in *2006(3) PLJR 182*” and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351* and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.* passed in *Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023*. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Vide order dated 29.11.2023, this matter was referred to the Mediation and Conciliation Centre of the Patna



High Court for mediation between the parties. The report of the Mediator dated 12.01.2024 has been received and kept on the record. From perusal of the report dated 12.01.2024 of the Mediator, it appears that the dispute between the parties has been resolved through the process of mediation. The terms of settlement mutually agreed upon by them are as follows:-

“ Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No. 1152 of 2023
(Arising out of Cr. Misc. No. 45011 of 2023)

An agreement made on 12.01.2024 at the High Court Patna Mediation Centre, between, Annu Kumar @ Anu Kumar, Son of Rampratap Sao, resident of Village-Amiyawar, P.S. Nasriganj, District-Rohtas.....Petitioner/(First Party)

And

Sheetal Nandni @ Shital Nandni, D/O Sharda Prasad Gupta, resident of Village-Deo, District-Aurangabad...Opposite party no.2/ (Second Party).

Both the parties appeared in the Mediation Proceeding alongwith their Advocates and ready to resolve the dispute through the Mediation Proceeding on the following terms and conditions:-

1. That after great persuasion both the parties agreed to live separately and for this the petitioner offered to pay Rs. 10,00,000/- (Rupees Ten Lakh Only) as full and final settlement amount to the opposite party no. 2 (Sheetal Nandni @ Shital Nandni). Opposite Party No. 2 accepted the offer and gave her consent.

2. That the petitioner agree to pay the aforesaid amount shall be paid in three instalment in following manner:-

(A) The petitioner shall pay first instalment of Rs. 3,00,000/- (Rupees Three Lakh) at the time of furnishing of bail bond to the Opposite Party No. 2 by way of Demand Draft.

(B) The second instalment of Rs. 3,00,000/ (Rupees Three Lakh) shall be paid by the petitioner to the Opposite Party No. 2 through Demand Draft at the time of filing of withdrawal application in Deo P.S. Case No. 145 of 2022 and in



Maintenance Case No. 240 of 2022. On which date both the parties shall file a divorce petition with mutual consent.

(C) Third and last instalment of Rs. 4,00,000/- (Rupees Four Lakh) shall be paid by the petitioner to the Opposite Party No. 2 at the time of judgment/decreed of divorce. The payment shall be through Bank Draft issued in the name of opposite party no. 2 namely Sheetal Nandni @ Shital Nandni.

3. This settlement shall be full and final settlement and no party shall claim in future against each other, in any manner.

4. That both the parties agreed to file mutual consent divorce case under Section 13(B) of Hindu Marriage Act, 1955, before Principal Judge, Family Court, Aurangabad as mentioned above and after that both the parties are free to lead their life as per their own will.

5. That the above contents of the agreement have been read over and explained to us in Hindi which are fully understood and accepted there upon.

6. That in the above terms and conditions the present settlement has been arrived at between the parties and both parties have signed in presence of their learned counsels, who have also put their signature on this agreement.”

Sd/- 12.01.24.

Sd/-.

(Annu Kumar @ Anu Kumar) (Sheetal Nandni @ Shital Nandni)
Signature of the petitioner Signature of the opposite party

no. 2.

Date- 12.01.2024.

Date-12.01.2024

Sd/-

Sd/-

(Sachin Kumar)
Signature of the petitioner
Advocate

(Meena Singh)
Signature of the O.P. No. 2
Advocate

A.O.R. No. 06491

A.O.R. No. 259

Date-12.01.2024.

Date-12.01.2024.

7. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have not controverted the aforesaid facts.

8. Considering the aforesaid facts and circumstances



of the case as well as in view of the terms and conditions between the parties in the Memorandum of Agreement, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Deo P.S. Case No. 145 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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