

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46511 of 2023

Arising Out of PS. Case No.-987 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Lallan Kumar Sah @ Lallan Kumar, Son of Shambhu Sah, Resident of Village- Raj Khand, P.O.- Ramapur, Maheshpur, P.S.- Tajpur, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Soni Kumari, Wife of Lallan Kumar Sah @ Lallan Kumar, Resident of Village- Raj Khand, P.O.- Ramapur, Maheshpur, P.S.- Tajpur, District- Samastipur, at present Daughter Of Sanjay Kumar, Resident Of Village - Motipur, P.S.- Tajpur, District- Samastipur, Pin Code- 848130

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Surya Narayan Roy, Advocate
For the O.P. No. 2	:	Mr. Mahesh Prasad, Advocate
For the State	:	Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 19-02-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with C.R. No. 987 of 2022 in which cognizance has been taken for the offences punishable under Sections 498A, 494 of the I.P.C. and Section 4 of the D.P. Act.

3. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of Rs. 50,000/-, one



Motorcycle and 10 gram gold as dowry.

4. 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 complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that the petitioner and the complainant had already been married and they have solemnized second marriage to each other. It is further submitted that the petitioner is ready to keep the complainant as his wife with full honour and dignity but the complainant herself does not want to live with the petitioner as stated in paragraph no. 8 of the bail petition. There is general and omnibus allegation against the petitioner. 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. However, now the petitioner and the complainant are ready to resolve the dispute between them through the Mediation Proceeding on the following terms and conditions:-

“ Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No. 1124 of 2023
(Arising out of Cr. Misc. No. 46511 of 2023)

An agreement made on 22.01.2024 at the High Court, Patna Mediation Centre, between,

Lallan Kumar Sah @ Lallan Kumar, Son of Shambhu Sah, resident of Village-Raj Khand, P.O.-Ramapur, Maheshpur, P.S. Tajpur, District-Samastipur. ----(First Party)/ Petitioner.

And

Soni Kumari, wife of Lallan Kumar Sah @ Lallan Kumar, resident of Village-Raj Khand, P.O.-Rampur, Maheshpur, P.S.-Tajpur, District-Samastipur, at present Daughter of Sanjay Kumar, resident of Village-Motipur, P.S. Tajpur, District-Samastipur, Pin Code-848130.

----(Second Party)/Opposite Party No. 2.

Both parties appeared in the Mediation Proceeding along with 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. 15,000/- (Rupees Fifteen Thousand Only) for full and final settlement and Opposite party No. 2 accepted the offer and gave her consent to finally compromise this case i.e., Samastipur Complaint Case No. 987 of 2022 pending in the Court of S.D.J.M., Samastipur and Maintenance Case No. 110 of 2022 pending in the court of Principal Judge, Family Court, Samastipur. The aforesaid amount will be paid at the time of hearing of the case in the Hon'ble High Court, Patna.
2. This settlement shall be full and final settlement and not any



claim will be made in future against each other.

3. That Opposite Party No. 2 also agreed to withdraw the case and she does not want to proceed with the all Civil/Criminal cases.

4. That both the parties will never claim for any grievances either matrimonial disputes and share of property of each other.

5. That petitioner also agreed to withdraw the case and he does not want to proceed with the all Civil/Criminal cases.

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

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

Sd/-	Sd/-
(Lallan Kumar Sah @ Lallan Kumar)	(Soni Kumari)
Signature of the petitioner	Signature of the opposite party
Dated-22.01.2024	No. 2. Date-22.01.2024.
Sd/-	Sd/-
Signature of the petitioner'	Signature of the O.P. No. 2,
Advocate, A.O.R. No. 2370	Advocate, A.O.R. No. 1546
Date-22.01.2024	Date-22.01.2024"

5. Learned A.P.P. for the State and learned counsel for the opposite party have also conceded the contentions made by the learned counsel for the petitioner. Learned counsel for the opposite party no. 2 has further submitted that now the petitioner and the complainant have resolved the dispute through the Mediation Proceeding on the terms and conditions as stated above and they have no any grievance to each other.

6. Considering the aforesaid facts and circumstances of the case as well as both the parties have resolved the dispute through the mediation procededing, let the above named



petitioner, in the event of his arrest/surrender within a period of six 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 S.D.J.M., Samastipur in connection with Complaint Case No. 987 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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