

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47652 of 2023

Arising Out of PS. Case No.-194 Year-2022 Thana- BHELDI District- Saran

Jitendra Prakash Singh, aged about 38 years, Son of Surendra Prasad Singh,
R/O-Khaira, P.S.-Gaurichak, Distt.-Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Smriti Raj, aged about 31 years, Daughter of Ramjanam Singh, R/O-Parsa,
Jogni, P.S.-Bheldi, Distt.-Saran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ranjeet Kumar Singh, Advocate
For the O.P. No. 2	:	Mr. Manish Kumar, Advocate
For the State	:	Mr. Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 28-03-2024 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 Bheldi P.S. Case No. 194 of 2022 registered for
the offences punishable under Sections 341, 323, 498A/34 of the
I.P.C. and Section 3/4 of the D.P. Act.

3. As per the prosecution case, the petitioner and other
co-accused persons are alleged to have tortured the informant
mentally and physically due to non-fulfilment of demand of
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 informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. It is submitted that the marriage between the parties has been solemnized through online matrimonial website i.e., Jeevansathi.com and it is admitted fact that no any gift as dowry was given by the parents of the informant to the parents of the petitioner and after marriage both went to America and were leading conjugal life very happily but after two months the opposite party no. 2 compelled the petitioner to come to India and also compelled to live separate from his parents which was denied by the petitioner due to that the present case has been lodged. It is further submitted that in absence of the petitioner, the opposite party no. 2 came back to her maik in Saran with her ornaments including the ornaments of the petitioner without giving any information to the petitioner and his parents. 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 informant 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. 1208 of 2023
(Arising out of Cr. Misc. No. 47652 of 2023)

An agreement made on 05.01.2024 at the High Court, Patna Mediation Centre, between, Jitendra Prakash Singh, Son of Surendra Prasad Singh, resident of Khaira, P.S. Gaurichak, District-Patna. -----Petitioner(First Party).

And

Smriti Raj, daughter of Ramjanam Singh, resident of Parsa, Jogni, P.S. Bheldi, District-Saran.

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

Both parties are agreed to settle the dispute with the consent and sweet will on the basis of the following terms and conditions:-

1. That the petitioner will arrange an independent accommodation for the opposite party no. 2 as early as possible) where the petitioner and the opposite party no. 2 will live separately, having no interference of the parents and relatives of both sides.
2. That the parents of the petitioner as well as the opposite party



no. 2 will not interfere with the conjugal life of the petitioner and the opposite party no. 2, in any matter.

3. That the petitioner being the husband of the opposite party no. 2 shall keep the opposite party no. 2 with full dignity and honour and will give all mental and emotional support to her and he will never oust or threaten to oust her from her matrimonial home.

4. That both the parties shall be under obligation to give proper regard/respect to the parents and relatives of either side, if they visit at their residential accommodation.

5. That both the parties would be under obligation to restore and continue their conjugal life harmoniously giving full co-operation to each other, in every manner.

6. That the petitioner will continue to live with the opposite party no. 2 in separate accommodation, till the time the opposite party no. 2 gains faith and believe that the parents of the petitioner will not interfere in their conjugal life and they will not torture her in future, in any manner.

7. That after restoration of peaceful conjugal relationship, the opposite party no.2 and her prosecution witness shall co-operate in disposal of the criminal case in a speedy manner, in favour of the petitioner.

8. That the aforesaid contents of the agreement have been read over and explained into Hindi, which have fully been understood and accepted by the parties.

Hence, in the above terms and condition a settlement has been arrived between the parties and both have signed his presence of their respective learned counsels who have also put their signature on the agreement.

Sd/- Jitendra Prakash
(Jitendra Prakash Singh)
Signature of the petitioner
Dated-05.01.2024

Sd/- Smriti Raj
(Smriti Raj)
Signature of the opposite party
No. 2. Date-05.01.2024.

Sd/- Ranjeet Kumar Singh, Adv.
Signature of the petitioner
Advocate, A.O.R. No. 00328
Date-05.01.2024

Sd/- Indrajeet Bhushan, Adv.
Signature of the O.P. No. 2,
Advocate, A.O.R. No. 03650
Date-05.01.2024”

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 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 informant 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 proceeding, 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 Judicial Magistrate-Ist Class, Chapra or concerned court in connection with Bheldi P.S. Case No. 194 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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