

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32284 of 2014

Arising Out of PS.Case No. -30 Year- 2014 Thana -MAHILA THANA District- BEGUSARAI

- =====
1. Indu Devi Wife of Arbind Kumar
 2. Arbind Kumar @ Arvind Kunwar Son of Late Ramadhin Kumar
- Both resident of Birpur, Police Station- Birpur, District- Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

9 24-06-2015 Heard Mr. Shrawan Kumar, learned senior counsel assisted by Mr. Jitendra Kumar, learned counsel for the petitioners, Mr. Sandip Kumar Gautam, learned counsel for the informant and learned A.P.P. for the State.

The petitioners were granted provisional bail by order dated 22.10.2014. Since then there was an effort for conciliation/one-time-settlement. Though such effort has failed before the Court below as well as before the Mediation Centre but today before the Court the petitioner no. 2, who is personally present, has stated that he is ready to pay Rs. 5,50,000/- (Five Lakhs Fifty Thousand) to the informant by way of one-time-

settlement so that the matter is finally concluded between the parties as the relationship has broken beyond retrieval.

The informant and her mother who are also present in Court, though had raised a bigger claim but have agreed to the amount offered by petitioner no. 2 by way of one-time-settlement.

In view of the aforesaid, the provisional bail granted to the petitioners stands confirmed subject to the following conditions. The petitioners shall ensure that the amount of Rs. 5,50,000/- (Five Lakhs Fifty Thousand) is paid to the informant latest by 30th November, 2015, to be deposited into the bank account of the informant, the account number and other details of which shall be provided to the petitioners latest by 15th July, 2015.

In view of the sentiment expressed by the informant that one chain and two rings which she had got at the time of wedding and brought to her matrimonial home which still remains there, this Court desires that the same be returned to her by the petitioners or in the alternative a further amount of Rs. 50,000/- be paid to her within the aforesaid period.

The informant at this stage expressed her apprehension about the money not being paid. This Court does not consider such apprehension to be bona fide in view of the fact that the amount of Rs. 5,50,000/- (Five Lakhs Fifty Thousand) has been offered by petitioner no. 2 himself and the Court passing an

order based on such commitment to the Court obviously binds the petitioner no. 2 to his commitment and the Court would also not presume that the petitioner no. 2 is not mindful of the fact that any violation of a commitment given before the Court would entail proceedings for contempt as well as other proceedings. Further, the grant of bail being conditional, any violation of the terms and conditions shall also lead to cancellation of the bail bonds of the petitioners.

It is agreed between the parties that once the amount is paid by 30th November, 2015, the informant shall file a petition in the Court below stating that she does not want to pursue the matter. Once the same is done, the Court below after recording the stand of the informant shall close the case.

It is also agreed between the parties that after the criminal case is closed, the son of the petitioners and the informant shall file a petition before the concerned Family Court for mutual divorce which shall be disposed off expeditiously by the court concerned.

The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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