

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22480 of 2015

Arising Out of PS.Case No. -29149 (C) Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Dr. Kumar Gaurav S/o - Sri Kamal Kishore Prasad Shrivastava R/v -
Shanti Bihar Colony, Chhedi Tola, R.K. Niwas, Janipur Road, P.S. -
Phulwarisharif, Distt. - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Dr. Ragni Jyoti W/o Sri Kumar Gaurav, D/o Sri Virendra Kumar Verma
R/o Vill. - House No. - 78, Indrapuri, Road No. 4, P.S. Patliputra, Dist. -
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv
For the O. P. No. 1 : Mrs. Rita Verma (APP)
For the O.P. No. 2 : Mr. Rakesh Kumar Sinha, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 04-09-2015 Heard learned counsel for the parties as also

petitioner and Opposite Party No. 2.

It has been conveyed to this Court by both the

petitioner and Opposite Party No. 2, that they cannot

stay under the same roof and carry their matrimonial

relationship any further.

They have also filed a joint compromise petition,

which reads as follows:-

“IN THE HIGH COURT OF JUDICATURE AT
PATNA
(CRIMINAL MISCELLANEOUS JURISDICTION)
CR. MISC. NO. 22480 OF 2015
Dr. Kumar Gaurav.....Petitioner
Versus
The State of Bihar and another.....Opposite

Parties.

The humble Joint compromise petition on behalf of the Complainant/Opposite Party No. 2 **Dr. Ragni Jyoti** wife of Sri Dr. Kumar Gaurav daughter of Sri Virendra Kumar Verma resident of at House No. 78, Indrapuri, Road No. 4, Police Station – Patliputra, District- Patna.

AND

The accused/petitioner Dr. Kumar Gaurav son of Sri Kamal Kishore Prasad Srivastava, resident of Shanti Bihar Colony, Chhedi Tola, R.K. Niwas, Janipur Road, Police Station-Phulwari Sarif, District-Patna.

Most Respectfully Sheweth:-

1. The both the parties have settled their dispute outside of the court in the present of their friends and relatives amicably without any threat and co-ercion.
2. That both the parties decided to dissolve their matrimonial harmony after filing a joint petition of divorce before the Court of the Principal Judge, Family Court, Patna Under Section 13(B) of the Hindu Marriage Act.
3. That the petitioner/accused Dr. Kumar Gaurav is ready to pay the permanent settlement amount of Rs. 20,00,000/- (Twenty Lacs Rupees) to the complainant/Opposite Party No. 2 Dr. Ragni Jyoti.
4. That both the parties are ready to withdraw, compromise the cases in the court below.
5. That both the parties are not ready to make any monetary/Title/Criminal case/other claim in future after settlement of the matrimonial dispute.
6. That both the parties and their respective Advocates and the witnesses/parents have given their signature on the foot of this compromise petition.

It is therefore prayed that your lordships may be pleased to accept this Joint compromise petition for the ends of Justice.

And for this both the parties shall every pray.

RAGNI JYOTI	KUMAR GAURAV
Signature of the Complainant/Opposite Party No. 2.	Signature of the petitioner/accused

RAKESH KR SINHA	VIJAY KR SINHA
Signature of the Advocate of the complainant/Opp. Party No. 2	Signature of the Advocate for the petitioner/accused

VIRENDRA KR VERMA/ KARUNA RANI	KAMAL KISHORE PRASAD SRIVASTAVA/ RAGINI KUMARI
Signature of the parent of the complainant/Opp. Party No. 2	Signature of the parent of the petitioner/accused



In view of the aforementioned settlement arrived at between the parties, this Court would direct the petitioner namely, **Dr. Kumar Gaurav**, to surrender before the Court below within a period of four weeks from today and if he does so, he shall be released on provisional bail for a period of four months on furnishing payment of Rs. 10 lacs by way of bankdraft/bankers cheque, in the name of Opposite Party No. 2 and such bankdraft/bankers cheque shall be handed over to the Opposite Party No. 2 or her counsel who appears for her in the Court below, subject to furnishing of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **S.D.J.M., Patna** in connection with **Complaint Case No. 29149(C) of 2014**, subject to the following conditions:-

- (i) Upon payment of Rs. 10 Lacs in the manner indicated above both the petitioner and Opposite Party No. 2, shall file application for

mutual divorce before the Family Court, Patna within a period of four weeks from the date of grant of provisional bail to the petitioner.

(ii) The provisional bail of the petitioner on expiry of period of four months shall be confirmed by the Court below if the petitioner pays the remaining amount of Rs. 10 Lacs again by way of bankdraft/bankers cheque in the name of Opposite Party No. 2 which again shall be handed over to opposite party no. 2 or her counsel in the court below.

(iii) The Family Court thereafter shall pass a final decree of mutual divorce in terms of Section-13 (B) of the Hindu Marriages Act, within a maximum period of three months from the date the petitioner being confirmed of his bail by the Court below only after being satisfied that the Opposite Party No. 2 has been paid the total agreed amount of Rs. 20 Lacs.



(iv) The Opposite Party No. 2, shall within a period of four weeks of the grant of decree of mutual divorce by the Family Court, Patna shall file an application for withdrawal of the complaint case and the Court below on being satisfied that a mutual decree of divorce has already been granted by the Family Court shall pass the order by closing the proceedings of the criminal case filed by the Opposite Party No.2 against the petitioner and other family members of the petitioner within a maximum period of four weeks of the date of filing of such application for withdrawal of the complaint case by the Opposite Party No. 2.

(v) The other terms and conditions of the settlement as agreed between the parties and being made part of this order, shall be strictly complied both by the petitioner and Opposite Party No. 2, in the letter and spirit.

(vi) That both the bailors will be relative of

the petitioner, who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(vii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

With the aforesaid observations and directions this application is disposed of.

(Mihir Kumar Jha, J)

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