

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.30015 of 2014**

Arising Out of PS.Case No. -35 Year- 2014 Thana -KHUDAGANJ District- NALANDA  
(BIHARSHARIFF)

=====

Santosh Yadav Son of Pyare Yadav Resident of Village- Baira, Police  
Station - Khudaganj, District- Nalanda.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Yamuna Yadav, S/o Banbari Yadav, R/o+ Village-Doura, P.S.-  
Khudaganj, District-Nalanda.
3. Sunita Devi W/o Santosh Yadav, D/o Yamuna Yadav at present  
R/o+ Village-Doura, P.S.-Khudaganj, District-Nalanda.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.  
For the Opposite Party/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

ORAL ORDER

8. 30.01.2015 Learned counsel for the petitioner and learned  
A.P.P. for the State are present. Nobody appears on behalf of  
opposite parties no. 2 and 3.

Even yesterday, though learned counsel for the  
petitioner, the petitioner himself and learned A.P.P. for the  
State were present but neither opposite parties no. 2 and 3 nor  
their counsel were present in spite of the fact that the name of  
Mr. Ravi Kant Kumar, learned counsel appears in the daily  
cause list and he has also filed a duly executed power on their  
behalf on 1<sup>st</sup> December, 2014 itself.

As per the earlier order of the Court dated  
12.12.2014, the matter was sent for Mediation. A report has

been submitted to the Court by Mr. Ranjan Kumar, the Mediator dated 23.01.2015 stating that Mediation has failed as the opposite party no. 3 i.e., the wife of the petitioner was not ready to live with the petitioner and wanted a one time settlement but the amount of Rs. 70,000/- offered by the petitioner was not acceptable to her.

Learned counsel for the petitioner informs the Court that the parties have since agreed to an amount of Rs. 1,50,000/- but the only hitch was that the opposite party no. 3 wanted the payment at one go whereas the petitioner required some time for paying the said amount in installments.

This Court can only express its anguish over learned counsel for the opposite parties no. 2 and 3 not appearing before the Court yesterday and even today, despite as has been submitted by learned counsel for the petitioner, of being reminded on telephone.

In view of the aforesaid, let the petitioner pay an amount of Rs. 75,000/- by 15<sup>th</sup> March, 2015 to the opposite party no. 3 and thereafter, the remaining amount of Rs. 75,000/- shall be paid by 30<sup>th</sup> April, 2015. An affidavit shall be filed by the petitioner before the Court below giving details of payment made to the opposite party no. 3 and received by her. The Court thereafter, upon being satisfied of such payment being made, shall confirm the provisional bail granted to the petitioner in the present case under order dated

12.12.2014.

The application stands disposed off in the  
aforementioned terms.

If the petitioner faces any difficulty in paying  
the money to the opposite party no. 3, he is at liberty to  
deposit the amount with the Court concerned, which in turn  
shall ensure that the same is paid to the opposite party no. 3.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|