

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22660 of 2017

Arising Out of PS.Case No. -168 Year- 2015 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Md. Yunus, S/o Md. Jainul, resident of village - Kahra Western Tola,
P.S. - Saharsa, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Shamina Khatoon, D/o Md. Moharram, W/o Md. Yunus resident of
village - Hatiagatchi, (Saharsa Basti), Ward No. 31, P.S. - Saharsa,
District - Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP
Mr. Sanjeev Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 24-07-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Complaint
Case No.168-C of 2015 instituted for the offence under
Section(s) 498-A Indian Penal Code.

Petitioner is husband of the complainant-Opposite
Party No.2. Both husband and wife have appeared today in
Chambers.

It has been submitted on behalf of the petitioner that
he is always ready to keep the wife and minor child. He has
further submitted that he has performed another marriage about
two years back.



Opposite Party No.2 has submitted that since the petitioner has performed another marriage it is not possible for her to live with him. She wants one time settlement. It has been offered from her side that she will withdraw all the cases filed by her against the petitioner if he agrees to make payment of rupees two lacs along with amount of *Dainmehar* to her as one time settlement. Thereafter, the petitioner will not be responsible to make any further payment to her or take responsibility of her and her minor child. Opposite Party No.2 will take the responsibility of herself and her child.

The petitioner has agreed to such offer. However, prayer has been made that one year time may be given to him to make payment of the aforesaid amount.

In such circumstances, this application is disposed off with direction to petitioner to make payment of rupees twenty thousand as first installment to wife-Opposite Party No.2 within a period of four weeks either in her Saving Account or by cash and surrender before the Court below i.e. Judicial Magistrate, 1st class, Saharsa, within a period of six weeks from today in connection with Complaint Case No.168-C of 2015, along with receipt showing payment of rupees twenty thousand either in Savings Account or by cash to the wife-Opposite Party No.2, and in that



event the Court below will release the petitioner on provisional bail to its own satisfaction for a period of one year.

During the period of provisional bail, the petitioner will deposit the balance amount of settlement in equal monthly installment by 15th of every month.

After the final payment of settlement amount and *Dainmehar*, the Court below will confirm the provisional bail of the petitioner.

It is made clear that in the event the petitioner deposits the amount of rupees two lacs along with *Dainmehar* amount before the stipulated period of one year, the Court below will confirm the provisional bail of the petitioner.

It is further made clear that if the petitioner defaults in making payment of the settlement amount, it will be open to the Court below to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner without taking into consideration the observations made above by this Court.

The complainant-Opposite Party No.2 will withdraw all the cases filed by her against the petitioner after receiving the entire amount of settlement.

The complainant will provide the number of her



Savings Bank Account to the petitioner in which the petitioner will directly deposit the amount of settlement as agreed between the parties today in Chambers.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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