

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30424 of 2018

In
Criminal Miscellaneous No.14858 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Banka

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Md. Mahtab Alam @ Md. Mahtab S/o Md. Islam, R/o Vill.- Barahat, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Ifat W/o Md. Mahtab Alam @ Md. Mahtab D/o Md. Asad, R/o Vill.- Nayadih, P.S.- Banka, District- Banka.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Md. Najmul Hodda, Adv.
For the State	:	Mr. Ramchandra Singh, APP
For opposite party No.2	:	Mr. Mritunjay Pd. Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 28-11-2018 An affidavit has been filed on behalf of the opposite party No.2. Same be kept on the record.

The petitioner was granted anticipatory bail by order dated 08.01.2018 passed in Cr.Misc.No.14858 of 2017 in connection with Complaint case No.1967 of 2015 pending in the court of S.D.J.M., Banka, taking into account that the matter was settled in the following terms.

“A joint prayer has been made by both the parties that with intervention of well wishers, the matter has been settled between the parties.

Learned counsel for the petitioner is handing over Cheques No.270370, 270371 and



270372 dated 06.01.2018 total of Rs.3,00,000/- (Three Lacs Only) each Cheque of Rs.1,00,000 (Rupees One Lac) to opposite party no.2. The opposite party no.2 as per the submissions will have to make an application in respect to all the criminal and maintenance cases relating to the Family Court for withdrawing the same with mutual consent. The said exercise shall be carried out once the payment of amount in question is received in the Bank Account of the opposite party no.2.”

The present modification application has been filed on behalf of the petitioner (husband) that in spite of compliance of the terms of settlement, no steps are being taken on the part of the opposite party No.2 (wife).

Counsel for the opposite party No.2 is present. He submits that the opposite party No.2 is not interested in making one time settlement in spite of the fact that on the earlier occasion she had agreed for settlement. A draft of Rs.3 lacs, which was handed over to the opposite party No.2, has already been returned to the petitioner as one time settlement could not be arrived between the parties.

The counsel for the petitioner submits that it is a complaint case. The case is triable by the Magistrate. The



petitioner has got no criminal antecedent. Since the petitioner has already been granted anticipatory bail vide Cr.Misc.No.14858 of 2017 by order dated 08.01.2018, no further order is required to be passed.

The present modification application stands disposed of.

(Sudhir Singh, J)

Narendra/-

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