

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32591 of 2019

Arising Out of PS. Case No.-91 Year-2018 Thana- EAST COLONY District- Munger

Mithilesh Kumar @ Mithalesh Kumar Chaurasia, Son of Shiv Charan Modi
Resident of Village - M.J. Apartment, Flat No. 413, 5th floor, Bangalore, P.S.-
Bangalore, District - Bangalore (Karnatka).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shalini, Wife of Mithilesh Kumar @ Mithilesh Kumar Chaurasia Daughter of Nand Kishore Chaurasia, Resident of Village Besides Mugroda Masjit, P.S.- East Colony, District - Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 22-10-2019 Heard Mr. Shivendra Kumar Sinha, learned counsel

appearing for the petitioner and Mr. Y.C. Verma, learned counsel

appearing on behalf of Opposite Party No.2.

Petitioner apprehends his arrest in connection with

East Colony P.S. Case No.91 of 2018, for the offence punishable

under Section 498(A) of the Indian Penal Code.

There is marriage dispute between the petitioner and

Opposite Party No.2. Both learned counsels have submitted

upon instruction that both the parties have arrived at an

amicable settlement and petitioner is ready to pay a sum of

Rs.10 lakh to the informant-Opposite Party No.2, as a final



settlement and permanent alimony, subject to the condition that the informant shall withdraw the present case as well as maintenance case lodged by her before the Family Court.

Learned senior counsel appearing for Opposite Party No.2, upon instruction submits that Opposite Party No.2, i.e., informant is ready to accept the final settlement amount of Rs.10 lakh and will withdraw all the cases filed by her, subject to the condition that petitioner will also withdraw the case filed against the informant instituted under Section 9 of the Hindu Marriage Act.

Both the parties submit that they will file joint application for divorce on the basis of mutual consent before the Family Court after receipt of sum of Rs.6 lakhs by the informant from the petitioner.

In view of the submissions made by the parties and taking into consideration the fact that both the parties have arrived at amicable settlement, I am inclined to grant anticipatory bail to the petitioner subject to the condition that a sum of Rs.6 lakhs shall be paid by the petitioner within a period of three months to the informant and the balance amount of Rs.4 lakhs shall be deposited by the petitioner before the Family Court, Munger along with application for divorce on the ground



of mutual consent and after registration of the case before the Family Court, the informant will be at liberty to withdraw the said amount of Rs.4 lakhs from the Family Court, Munger.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist Class, Munger, subject to the above-mentioned condition.

It is made clear that if any of the parties deviates from the terms of settlement, either of the party will be at liberty to file an appropriate application before an appropriate Forum in accordance with law.

(Anil Kumar Sinha, J)

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