

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43865 of 2019

In
CRIMINAL MISCELLANEOUS No.71418 of 2018

Arising Out of PS. Case No.-104 Year-2018 Thana- BISFI District- Madhubani

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GANESH YADAV @ GANESH KUMAR Son of Kailash Yadav Resident of
Village - Chirmara, P.S.- Keoti, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 2 24-07-2019 This application has been filed for modification of the order dated 10.4.2019 passed in Cr.Misc.No.71418 of 2018 on the ground that the matter has been settled through process of mediation on the terms and conditions agreed upon between the parties and as per terms and conditions he has already paid Rs.1 lac to the informant and Rs.1 lac out of Rs.2 lac he has to pay to the informant on or before filing of Matrimonial petition for grant of decree of divorce under Section 13B of Hindu Marriage Act and at that time informant has refused to sign on the petition on the ground that first his brother to withdraw the criminal case against her, which is not one of the conditions, rather the condition shows that after filing of the petition under Section 13B of Hindu Marriage Act both the parties to withdraw the cases and as such he could not deposit the amount.



Heard learned APP and learned counsel for the informant.

In the above facts and circumstances, let petitioner surrender within a period of two weeks from the receipt of this order along with a Bank Draft of Rs.1 lac payable in the name of the informant and on presentation of the same both the parties shall file a petition as per terms and conditions of the settlement and learned court below shall release the petitioner on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Benipatti, Madhubani, in connection with Bisfi P.S.Case No. 104 of 2018, corresponding to G.R.No.334 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and further condition is that one of the bailors shall be a local person having sufficient immovable property within the jurisdiction of the court concerned and the other terms and conditions shall remain intact. It is made clear that if the informant does not agree to file joint petition, in that event, petitioner shall be released on bail on the terms and conditions as stated above.

With the above modification, this application is allowed.

(Vinod Kumar Sinha, J)

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