

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47136 of 2019

Arising Out of PS. Case No.-15 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Rajeev Kumar Jha @ Rajeev Kumar S/o Late Dinesh Jha, Resident of
Village- Jhakhara, P.S.- Sarairanjan, Distt- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Nikki Kumari W/O Rajeev Kumar Jha, Resident of Village- Jhakhara, P.S.- Sarairanjan, Distt- Samastipur. At present D/o Ram Kumar Choudhary, Village- Mathurapur, P.S.- Dalasingh Sarai, Distt.- Samastipur.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 18-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Complaint Case No. 15 of 2018 in which
cognizance has been taken under Sections 498A/323 of the
Indian Penal Code.

Learned counsel for both the parties jointly submit
that at this stage the parties are willing to resolve their dispute
amicably by parting their ways and in lieu thereof by way of a
lump sum payment of maintenance the petitioner undertakes to
pay a sum of Rs. 1,50,000/- to the complainant-opposite party
no. 2.



Learned counsel for the petitioner submits that the petitioner will pay this amount and both the parties shall file a petition in the Family Court at Samastipur seeking divorce with mutual consent and such petition shall be filed within a period of one month from today.

Learned counsel further submits that the petitioner shall pay sum of Rs. 1,50,000/- to the complainant-opposite party no. 2 by way of a demand draft in her name drawn on a nationalised/scheduled bank payable at Samastipur and such payment shall also be made within the two months from today in equal installment of Rs. 75,000/- each. First installment shall be paid within 30 days from today.

Learned counsel representing the opposite party no. 2 submits that he would have no objection if the petitioner is allowed to grant privilege of anticipatory bail.

In the given facts and circumstances of the case, taking not of the submissions of the parties hereinabove, this Court directs that in the event of his arrest or surrender within a period of four weeks from today, the petitioner above named be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Dalasing Sarai, Samastipur in



connection with Complaint Case No. 15 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that as agreed both the parties shall take step to get mutual divorce and close all the proceedings including the present criminal case simultaneously. Breach of any of the terms and conditions mentioned hereinabove by any of the parties would be taken as violation of the order of this Court.

(Rajeev Ranjan Prasad, J)

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