

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16839 of 2020

Arising Out of PS. Case No.-611 Year-2019 Thana- KADAMKUAN District- Patna

ANIRUDH ANAND GUPTA @ ANIRUDH GUPTA Son of Anand Gupta
Resident of Village - 203 Legacy chs, Off, Dada Bhai Road, Near Tehsildar
Office Andheri (West), P.S.- Andheri (West), Mumbai, Maharastra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey, Adv.

For the opposite party no. 2 : Mr. Sanjiv Ranjan, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, App.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-08-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned APP for the
State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 498A, 376
and 511 of the Indian Penal Code.

Learned counsel for the petitioner in course of
argument submitted that he is a permanent resident of Mumbai
and had been made accused in one more criminal case namely
complaint case no. 2764 (c)/ 2018 apart from the present case.
Both the cases arises out of matrimonial dispute. Learned
counsel for the petitioner further submitted that O.P. No. 2 has
also filed a divorce case for dissolution of her marriage with the
petitioner before Principal Judge, Family Court, Patna, bearing
Matrimonial (Divorce) Case No. 48/2019 whereas the petitioner



has also filed Matrimonial Divorce case at Bandra Family Court in the State of Maharastra vide A-1363/2019 and if the Opposite Party is ready to withdraw all cases pending within the jurisdiction of Bihar, the petitioner is ready to pay a consolidated amount which would be agreeable to Opposite Party and the parties may be permitted to pursue all the remedies before the court at Mumbai to decide their right and entitlement for grant of divorce and permanent alimony.

Learned counsel for the opposite party no. 2 has filed a counter affidavit mentioned therein the details of property related to the petitioner along with his family members.

The petitioner filed the rejoinder to the counter affidavit filed on behalf of the opposite party no. 2. Learned counsel for the petitioner further submits that there is no any property in the name of the petitioner and the properties are joint family properties.

The counter affidavit and rejoinder of the said counter affidavit came through e-mail and let it be kept on record.

In view of the bonafide offer made by the petitioner on previous dates this court has adjourned the matter thrice for the parties to negotiate and arrive at an amicable settlement out



of court regarding the quantum of payment to be paid by the petitioner to the O.P. No. 2, which was acceptable to her, to give quietus to all litigation civil and criminal and settle all matters pending within the jurisdiction of the State of Bihar.

Learned counsel for the petitioner further submits that the petitioner is a permanent resident of Mumbai and the Opposite Party No. 2 as contended by the petitioner is presently residing in Mumbai, it is further submitted that the parties may pursue their remedies before Bandra, Family Court, Mumbai where divorce case filed by the husband is pending as appearance in Patna court would be expensive and time consuming and would be deleterious to both the parties, which is another reason why the court permitted the parties to explore possibility of settlement to give quietus to protected litigation at Patna as some sort of settlement could be arrived at keeping in view that the dispute is primarily matrimonial discord and court has always been keen in encouraging settlement to be worked out between the parties to bury the hatchet in matter relating to matrimonial dispute.

Today the counsel for the petitioner submitted on instruction that the petitioner is ready to make payment of consolidated amount of Rs. 15,00,000/- (fifteen lacs) if O.P. No.



2 is ready to settle and give quietus to all litigation pending in the State of Bihar.

Learned counsel for the O.P. No. 2 on instruction submitted that the O.P. is ready to withdraw all pending cases in the State of Bihar provided that the petitioner is ready to pay an amount of Rs. 15,00,000/- (fifteen lacs) to settle the dispute in cases pending in the State of Bihar subject to right and entitlement of O.P. No. 2 for maintenance and permanent alimony to be decided by the Bandra Family Court to which the counsel for petitioner has no objection.

In view of the consensus arrived at in between the parties to settle the dispute, it is ordered that the petitioner is directed to be released on anticipatory bail either in the event of his arrest or surrender within three months on furnishing bail bond to the satisfaction of trial court subject to the petitioner depositing a draft of Rs. 15,00,000/- (fifteen lacs) in favour of O.P. No. 2, at the time of surrender which should be released in favour of O.P. No. 2 after proper verification.

It is further directed that O.P. within a month of the receipt of draft of Rs. 15,00,000/- (fifteen lacs) will file petition for withdrawing all cases namely Kadamkuan P.S. Case No. 611/2019 and Matrimonial Divorce Case No. 48/2019 pending



before the Principal Judge, Family Court, Patna and on such application seeking withdrawal is filed, the respective court will pass appropriate order for withdrawal of cases and sent a report to this court within one month after filing of such petition. The O.P. is granted liberty to pursue her remedies available in law in court at Mumbai for redressal of all her grievance pertaining to her right an entitlement including grant of alimony available to her in accordance with law.

In the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of three months from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XII, District-Patna in connection with Kadamkuan Police Station Case No. 611 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the petition stands disposed of subject to above terms and conditions.

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(Anjani Kumar Sharan, J)

