

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44126 of 2019

Arising Out of PS. Case No.-603 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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SONU KUMAR Son of Motilal Resident of Balopur, Police Station-
Warsaliganj, District-Nawada.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kumari Kiran Wife of Sonu Kumar Daughter of Binod Kumar Lal Resident
of Village-Rashtriyaganj, Police Station and Post Office-Phulwari, District-
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jainendra Kumar
For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 23-01-2020 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 603(C) of 2019 for the offence
punishable under Sections 498(A), 406, 323 of the Indian Penal
Code and ³/₄ of D.P. Act.

This Court by an earlier order dated 18.07.2019 had
referred the matter to the Patna High Court Mediation Centre for
mediation and thereafter, it appears that the matrimonial dispute
in between the petitioner and the Opposite Party No.2 has been
amicably settled on the following terms and conditions,
which are part of an agreement arrived at in between the



petitioner and the Opposite Party No.2:-

“1. The petitioner will pay total amount of Rs. 3,50,000/- (Rupees Three lakhs Fifty Thousand) only to the opposite party No.2 by way of demand draft of any nationalised Bank. The said demand draft will be prepared in the name of Kumari Kiran, Opposite Party No.2 and will be handed over to the Opposite Party No.2 on 17.10.2019.

2. That after payment of above agreed amount the parties will have no claim whatsoever against each other.

3. That after payment of 3,50,000/- (Rupees Three lakhs Fifty Thousand) to the Opposite Party No.2 by the petitioner all the disputes between the parties will come to an end.

4. That the opposite party no.2 shall withdraw Complaint Case No. 603 (C)of 2017 and Patna Mahila P.S. Case No. 52 of 2017 both are pending before the S.D.J.M., Patna and in future the opposite party no.2 shall not claim any maintenance amount against the petitioner.

5. That the opposite party No.2 shall withdraw Criminal case which is pending in the Court against the petitioner and his family members after filing of the Divorce case under Section 13(B) of the Hindu Marriage Act.

6. That both parties shall file a joint petition for grant of decree of divorce under section 13(B) of



the Hindu Marriage Act on or before 01.10.2019.

7. That the petitioner shall hand over Motor Cycle (Hero Passion Pro Black Colour bearing No. BR01CH-7509) and its original papers to the father or brother of Opposite Party No.2.

8. In above terms and conditions a settlement has been arrived at between the parties and both have signed in presence of their learned counsels, who have also put their signature on this agreement.”

As per the aforesaid terms and conditions, a Draft for a sum of Rs. 3,50,000/- (Rs. Three lacs Fifty thousand) only has been produced by the learned counsel for the petitioner, which is handed over to the learned counsel for the Opposite Party No.2.

The learned counsel for the Opposite Party No.2 also submits that the motorcycle in question has already been handed over by the petitioner to the brother of the Opposite Party No.2 and the Opposite Party No.2 undertakes to abide by the terms and conditions mentioned herein above.

Having regard to the fact that the matter has been settled amicably, in view of the settlement arrived at between the parties, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the



court below within a period of four weeks from today, the petitioner above named is directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna, in connection with Complaint Case No. 603(C) of 2017, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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