

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64488 of 2019

Arising Out of PS. Case No.-129 Year-2017 Thana- SIKARPUR District- West Champaran

ABHINAY @ ABHINAV DUBEY @ ABHINAY DUBEY Son of Late Binay Kr. Dubey Resident of Village-Mehura, P.S-Bagha, District-West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Saloni Devi Daughter of Suryabhan Ojha Resident of Village-Sonasati, Raipur (Madan), P.S.-Shikarpur, District-West Champaran, Bettiah.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shiv Kumar Dwivedy
For the Opposite Party No. 2	:	Mr. Binay Kumar Mani Tripathi
		Miss. Ajita

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 04-03-2020 Heard the learned counsel for the petitioner and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Shikarpur P.S. Case No. 129 of 2017, registered for the offence punishable under Sections 341, 323, 498A/34 of the Indian Penal Code and Sections 3 /4 of the Dowry Prohibition Act.

The present case was referred to the Patna High Court Mediation Centre, Patna wherein the matrimonial dispute amongst the parties i.e. the petitioner and the opposite party no. 2 has been settled and an agreement dated 17.12.2019 has been entered into in between the petitioner and the opposite party no.



2, terms and conditions whereof read as follows:-

“1. That after great persuasion both the parties agreed to live separately and for this the petitioner offered to pay Rs. 6,00,000/- (Rupees Six Lakh Only) as full and final settlement amount to the opposite party no. 2 (Saloni Devi). Opposite party no. 2 accepted the offer and gave her consent.

2. That aforesaid payment will be made in three installment (1) First instalment of Rs. 1,00,000/- (Rupees One Lakh) at the time of hearing the bail petition, (2) Second instalment of Rs. 2, 50,000/- (Rupees Two Lakh Fifty Thousand) and (3) Third Instalment of Rs. 2,50,000/- (Rupees Two Lakh Fifty Thousand) both the instalment in the time in which the Hon’ble Court may fix.

3. This settlement shall be full and final settlement and no party shall claim in future against each other.

4. That both the parties agreed to file



mutual consent divorce case under Section 13 (B) of Hindu Marriage Act, 1955, before Principal Judge, Family Court, Bettiah after that both the parties are free to lead their life as per their own will.

5. That all the cases related in this matter will be withdrawn by both parties.

6. That the above contents of the agreement have been ready over and explained to us in Hindi which are have fully understood and accepted there upon.

7. That in the above terms and conditions a settlement has been arrived at between the parties and both have signed / L.T.I. in presence of their learned counsel, who have also put their signature on this agreement.”

The learned counsel for the petitioner and the opposite party no. 2 stand by the aforesaid agreement dated 17.12.2019 and in lieu thereof, two drafts totalling to a sum of Rs. 1,00,000/- has been produced in the Court in the name of opposite party no. 2, which is handed over to the learned



counsel appearing for the opposite party no. 2.

The learned counsel for the petitioner submits that the 2nd installment of Rs. 2,50,000/- would be paid on 30th of June, 2020 to the opposite party no. 2 before the learned court below and the 3rd and final installment of Rs. 2,50,000/- shall be paid on 30th of September, 2020 before the court below to the opposite party no. 2.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I deem it fit and proper to admit the petitioner to the privilege of provisional anticipatory bail.

It is agreed between the parties that immediately, upon payment of the entire sum of Rs. 6,00,000/- to the opposite party no. 2, the petitioner and the opposite party no. 2 shall file a petition before the Principal Judge, Family Court, Bettiah for dissolution of the marriage by mutual consent.

Accordingly, the present petition stands disposed of with a direction that the petitioner shall be admitted to the privilege of provisional anticipatory bail immediately upon appearance of the petitioner before the court of learned SDJM, West Champaran, Bettiah within a period of four weeks from today, subject to such conditions as may be deemed fit and



proper to be imposed by the learned court below. It is further directed that immediately upon payment of the balance sum of Rs. 5,00,000/-, as aforesaid, the provisional anticipatory bail being granted to the petitioner shall stand confirmed, however in the even of default in payment of the balance sum of Rs. 5,00,000/-, as aforesaid, the privilege of provisional anticipatory bail being extended to the petitioner shall stand cancelled automatically.

The present petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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