

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69682 of 2019

Arising Out of PS. Case No.-140 Year-2019 Thana- MAIRWAN District- Siwan

Akhilesh Kumar Yadav @ Akhilesh Yadav Son of Munni Lal Yadav Resident of Village- Misua, P.O. and P.S.- Bhore, District- Gopalganj, Present resident of Mohalla- MIG 28, Sati Nagar Chauraha, Phase-1, Aarogya Mandir, House No. -28, P.S.- Shahganj, District- Gorakhpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Jaimala Devi Wife of Akhilesh Kumar Yadav @ Akhilesh Yadav Resident of Village- Nayi Bazaar Mairwa, P.S.- Mairwa, District- Siwan.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Pranav Kumar, Advocate
For the State	:	Mr. Nand Kishore Prasad, A.P.P.
For O.P. No. 2	:	Mr. Ram Chandra Sahni, Advocate.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

- 3 26-06-2020 Heard learned senior counsel Mr. Y.V. Giri assisted by learned counsel Mr. Pranav Kumar appearing for the petitioner, learned counsel Mr. Ram Chandra Sahni appearing for opposite party no. 2 as well as learned Additional Public Prosecutor Mr. Nand Kishore Prasad appearing for the State.

Petitioner apprehends his arrest in connection with Mairwa P.S. Case No. 140 of 2019 registered for the offences punishable under Sections 341, 323, 498A, 494, 34 of the Indian Penal Code.

Petitioner happens to be husband of opposite party no.



2 and at the very outset, it is submitted on behalf of the petitioner that petitioner is ready to settle the dispute with opposite party no. 2 by way of one time settlement and petitioner is ready to pay rupees ten lacs to opposite party no. 2 within three months.

Learned counsel appearing for opposite party no. 2 submits that opposite party no. 2 is also ready to accept the above stated proposal of petitioner.

In view of the aforesaid submissions, it is ordered that petitioner, in the event of his arrest/ surrender within two months from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in Mairwa P.S. Case No. 140 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that within three months from the date of his surrender petitioner shall produce bank draft of rupees ten lacs prepared in the name of opposite party no. 2 before the learned trial court and if petitioner does so, the learned trial court shall hand over the aforesaid bank draft to opposite party no. 2 after taking proper receipt thereof.



However, if petitioner fails to do so, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

Furthermore, it is also made clear that if the petitioner and opposite party no. 2 settled their dispute in the manner as stated above, the learned trial court shall record the statement of petitioner and opposite party no. 2 on the date of handing over bank draft to opposite party no. 2 and shall dispose of case of the parties without awaiting further evidence and without looking for other formalities.

In the aforesaid manner, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

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