

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78766 of 2019

Arising Out of PS. Case No.-20 Year-2017 Thana- MAHILA PS District- Siwan

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Md. Sabbanni Ansari @ Md. Sabanni Ansari, @ Md. Sarani Ansari @ Md. Sarrani Ansari, Aged about 32 years, Male, Son of Ish Mahammad Ansari, Resident of Village- Dilawarpur, P.O. and P.S.- Andar, District-Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sogra Khatoon, aged about 21 years, Gender-Female, D/o Sarajjuddin, Village-Sabbu Ke Bhatkan, Narendrapur, Post- Narendrapur, Thana-Andar, District-Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate
For the State	:	Mr. Harendra Prasad, APP
For the Opposite Party No. 2	:	Mr. Ajay Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Ranjeet Kumar, learned counsel for the petitioner; Mr. Harendra Prasad, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Ajay Kumar Pandey, learned counsel for the opposite party no. 2.

3. The petitioner apprehends arrest in connection with Mahila PS Case No. 20 of 2017 dated 01.08.2017, instituted under Sections 323/498A/406/34 of the Indian Penal Code.

4. The petitioner is the husband of the opposite party,



who has filed the case.

5. Despite the effort of the Court and learned counsel, unfortunately, reconciliation could not materialize but the parties have agreed to go for a one-time-settlement. Pursuant thereto, they have mutually agreed that the petitioner would pay rupees four lakhs under such agreement which would be in the nature of final settlement with neither of the party having any claim on the other after that.

6. Learned counsel submitted that they have also agreed that they would take mutual divorce to which neither of the parties have any objection and all remaining litigations of any nature shall not be pressed by the party which has instituted the proceeding.

7. At this juncture, on a query of the Court to learned counsel for the petitioner as to by which date the petitioner would be paying rupees four lakhs to the opposite party no. 2, he submitted that the Court may permit him to pay rupees one lakh each month.

8. In view thereof, the Court fixes the following schedule for payment by the petitioner to the opposite party no. 2:

(a) Rupees one lakh latest by 15th November, 2020;



- (b) Another rupees one lakh by 15th December, 2020;
- (c) Further rupees one lakh by 15th January, 2021 and
- (d) The final instalment of rupees one lakh by 15th February, 2021.

9. The Court would observe here that this is the outer deadline set by the Court but shall not preclude the petitioner from clearing the entire dues even prior to the schedule fixed.

10. At this juncture, learned counsel for the petitioner drew the attention of the Court to the order, both by the Court below as well as in the present proceeding, that his passport shall remain attached and he would not fly outside the country.

11. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on provisional bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Siwan in Mahila PS Case No. 20 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, one of the bailors shall be a close relative of the petitioner.

12. Upon the petitioner paying the last instalment, to



the satisfaction of the Court below, his bail shall stand confirmed and further the passport which is kept shall be released to him by the Court below.

13. If the petitioner defaults in payment, the Court below shall cancel his bail bonds and it will be deemed that the present application has been dismissed.

14. The modality of payment by the petitioner to the opposite party no. 2, as has been suggested by learned counsel for the petitioner, can also be through direct transfer of the fund by the petitioner to the bank account of the opposite party no. 2, which, learned counsel for the opposite party no. 2 undertakes to furnish to learned counsel for the petitioner, within one week from today.

15. Once the opposite party no. 2 receives the entire sum of rupees four lakhs within the timeframe indicated above or earlier, she will jointly file a compromise petition before the Court below in the present proceeding also.

16. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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