

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17508 of 2020

Arising Out of PS. Case No.-574 Year-2019 Thana- ALAMGANJ District- Patna

SANJEEV KUMAR YADAV S/o Anirudh Ray @ Vinod Ray @ Arvind Ray
Resident of Village-Madhaul Harpurchand, P.S-Desari, District-Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sanjana Kumari D/o Sudhir Kumar R/o Shivrati Bhawan, Pathri Ghat,
Mohalla-Tripolia, Patna City, P.S.-Alamganj, District-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Adv. Mr. Ram Binod Singh, Adv.
For the Opposite Party no.1:		Mr. Rajendra Nath Jha, APP
For the Opposite Party no.2:		Mr. Raj Krishan Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 17-02-2021 Mr. Bindhyachal Singh, learned counsel for the petitioner assisted by Mr. Ram Binod Singh, AOR No.0255, learned advocate, Mr. Raj Krishan Jha, AOR No.3239, learned counsel for the opposite party no.2, as well as Mr. Rajendra Nath Jha, learned APP for the State are present.

The petitioner in the present case is seeking pre-arrest bail in connection with Alamganj P.S. Case No.574/2019 registered for the offences punishable under Section 498(A) of the Indian Penal Code and Sections 34 of the Dowry Prohibition Act in which Sections 420/34 of the Indian Penal Code was also added later on.

Learned counsel for the parties submit that they have



already settled the matter outside the Court. In this regard, a joint compromise petition signed by petitioner as well as opposite party no.2 has been placed before this Court. Learned counsel for the parties submit that the parties have put their signature in presence of their respective learned counsel. While this petitioner has put his signature in presence of Mr. Ram Binod Singh, learned advocate, the opposite party no.2 has put her signature in presence of Mr. Raj Krishan Jha, learned advocate. Learned counsel however submits that because of present situation the affidavit has not been done and they jointly undertake to file affidavit within a period of four weeks from today.

Learned counsel for the parties submit that both the parties have agreed on a settlement of Rs.15 lacs. The petitioner shall give Rs.15 lacs to opposite party no.2 in five equal installments within a period of six months. Such payments have to be made through bank drafts in the name of opposite party no.2 in the court of learned Principal Judge, Family Court, Patna. The parties have further agreed that on payment of the last installment the decree of divorce shall be granted.

Mr. Bindhyachal Singh, learned counsel for the petitioner on instruction submits that the first installment of Rs.3



lacs will be handed over to opposite party no.2 on the same day when the petitioner will appear for submission of his bail bond in the learned court below and on the same day both the parties shall file a joint petition seeking divorce by mutual consent. Learned counsel for the parties submit that both the parties have agreed to withdraw all the civil and criminal cases filed against each other.

In the aforesaid view of the matter, learned APP for the State does not oppose this application.

Considering the above facts and circumstances of the case, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Alamganj P.S. Case No.574/2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Patna City (Patna), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or



indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And by way of further condition this Court would observe that the terms and conditions agreed between the parties under the settlement shall be abide by them, failing which the consequences will follow.

Since the petition has not been affidavited, this Court is returning the same to the learned counsel for the petitioner who will get it affidavited within two weeks and shall ensure filing of the same. On filing of the affidavit, the same will be placed in the record.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

