

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5686 of 2021

Arising Out of PS. Case No.-734 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Sharwan Kumar, aged about 65 years (Male) (father-in-law), son of late Mahgu Lal.
 2. Gita Devi, aged about 60 years (Female) (mother-in-law) wife of Sharwan Kumar.
Both resident of Mohalla - Pani Tanki, Khajekalan, P.S. Khajekalan, District-Patna.

... .. Petitioners

Versus

1. The State of Bihar.
2. Sakshi Kumari, wife of Vicky Kumar, daughter of Sanjay Kumar, Resident Of Pani Tanki, P.S. Khajekalan, District Patna, At Present Station Road, Meerganj, Ward No.12, District-Gopalganj.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Raj Krishan Jha, Advocate
For the Opposite Party	:	Mr. Jharkhandi Upadhyay, APP
		Mr. Vijay Kumar Sinha, Advocate
		Mr. Vishwajit Ganguly, Advocate
		Mr. Satendra Narayan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 21-12-2021 Heard learned counsel for the parties.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Complaint Case No. 734 of 2019 for the offence punishable under Sections 498-A and 323 of the Indian Penal Code.

The petitioners and opposite party no.2 along with



her husband have appeared in this Court on number of occasions. They have tried to reconcile their differences. Both the parties have agreed for one time settlement so that the parties may live separately but only dispute is the amount of one time settlement. The petitioners have offered one time settlement of Rs.20,00,000/- whereas, the demand of opposite party no.2 is much more including the ornaments which as per her is lying with the petitioners.

Considering the aforesaid facts, this application is allowed.

Let the petitioners, above named, in the event of their arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XVI, Gopalganj, in connection with Complaint Case No. 734 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Initially the Court below will release the petitioners on interim bail on payment of Rs. 5,00,000/- and after payment of entire amount Rs.20,00,000/- to the opposite party no.2 the same shall be confirmed.



The final amount of alimony is to be fixed by the Principal Judge, Family Court, Patna, in the divorce proceeding and this amount of Rs.20,00,000/- shall be adjusted from the alimony amount to be fixed by the Family Court.

It has has been informed that the petitioners have paid maintenance amount of Rs.35,000/- to the opposite party no.2 till December, 2021. The petitioners shall continue to pay the maintenance amount to the opposite party no.2 from January, 2022.

(Sandeep Kumar, J)

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