

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79137 of 2019**

Arising Out of PS Case No.-9 Year-2019 Thana- GAYA KOTWALI District- Gaya

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Gulzar Ahmad, aged about 37 years (Male), Son of Azimuddin, Resident of -
Harijan Colony, PS - Bodhgaya, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhat Parween Wife of Gulzar Ahmad, Daughter of Ehtesham Ahmad,
Resident of - Harijan Colony, PS - Bodhgaya, District - Gaya.
At present - resident of - Panchayat Akhada, Near Police Adda, PS - Kotwali
(Gaya), District - Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Fakhruddin Ali Ahmad, Advocate
For the State	:	Mr. Satyadeo Singh Yadav, APP
For the Complainant	:	Mr. Anil Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 19-02-2021

Heard Mr. Fakhruddin Ali Ahmad, learned counsel for the petitioner; Mr. Satyadeo Singh Yadav, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Anil Kumar, learned counsel for the complainant.

2. The petitioner apprehends arrest in connection with Kotwali PS Case No. 09 of 2019 dated 08.01.2019, instituted



under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961.

3. Pursuant to the earlier orders, the parties have worked out a settlement and affidavits have been filed both by the petitioner as well as the opposite party no. 2 which are identical and at paragraph no. 3, the following stand has been taken:

“3. That the petitioner and the opposite party no. 2 has agreed to compromise the cases mutually on the following on the basis of intervention by friends and relative and they are ready to resolve the dispute on following terms:

a) That both the parties agreed to live separately and for this the petitioner offered to pay Rs. 7,50,000/-(Rupees seven lakhs fifty thousand only) as full and final one time settlement, to the opposite party no. 2, (Nikihat Parwen) and handed over the cheque no. 621311 dated- 17.02.2021 of S.B.I. of an amount Rs. 7.50 lacs (Rupees seven lakhs fifty thousand only) to the advocate of O.P No. 2 namely Shri Anil Kumar. After clearance of payment of the aforesaid cheque amount, the opposite party no. 2 shall take steps for withdrawal of Kotwali (Gaya) P.S case no. 09/2019.

b) That both parties agrees to file joint divorce petition with mutual consent for grant of decree of divorce in Matrimonial case No. 370/2018 pending before the learned Principal Judge, Family Court, Gaya and both parties are free to lead their life independently as per their own will and wishes.

c) That the settlement shall be full and final settlement and no party shall make any claim in future against each other.”



4. Today, learned counsel for the opposite party no. 2 submitted that a cheque of Rs. 7.50 lakhs has been received by him.

5. Having regard to the aforesaid, the application is allowed.

6. In the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in Kotwali PS Case No. 09 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, that one of the bailors shall be a close relative of the petitioner.

7. The Court would indicate that as a cheque of Rs. 7.50 lakhs has been handed over, upon presentation if the same is not encashed/honoured, it would breach of a condition for grant of anticipatory bail to the petitioner and also amount to fraud committed by the petitioner before the Court as it would be nothing less than misrepresentation.

8. At this juncture, learned counsel for the petitioner took a categorical stand that the cheque would be honoured.



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

(Ahsanuddin Amanullah, J.)

P. Kumar

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