

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86119 of 2019

Arising Out of PS. Case No.-334 Year-2019 Thana- PAROO District- Muzaffarpur

RANA PRATAP SINGH Son of Nand Kishor Singh Resident of Village -
Mathiya, P.S.- Paroo, Distt - Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Anshu Kumari, D/o – Vibhuti Bhusan Singh, resident of village – Khurahi,
P.S. - Paroo, District – Muzaffarpur.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Vindhya Keshari Kumar, Sr. Advocate
For the Informant	:	Mr. Arun Kumar, Advocate
For the State	:	Mr.Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 02-02-2021 Heard learned Senior Counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the

State.

Petitioner, in the present case, is seeking pre-arrest
bail in connection with Paroo P.S. Case No. 334 of 2019
registered for the offence under Section 341, 323, 307 and
498(A)/34 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
the present case has arisen on account of a matrimonial discord
between the petitioner and the opposite party no. 2. In his
submissions, the petitioner has been falsely implicated in the
present case.

The opposite party no. 2 has entered appearance



through a learned Advocate, and at this stage, an affidavit has been filed in similar terms on behalf of the petitioner as well as the opposite party no. 2. According to their affidavits, the parties have agreed to settle their dispute and it has been the agreement between the parties that petitioner shall pay a sum of Rs. Eight Lakhs to opposite party no. 2 as lump-sum in lieu of maintenance, at the same time, opposite party no. 2 has agreed that she would be willing to come outside the marriage with mutual consent and for this purpose both the parties have agreed to file an application seeking decree of divorce with mutual consent.

Learned counsel for the parties though submit that in such circumstance the learned Family Judge at Muzaffarpur may be directed to dispose of the application seeking divorce with mutual consent within a reasonable time, this court is of the considered opinion that at this stage when the parties are yet to file an application before the learned Principal Judge, Family Court at Muzaffarpur, instead of issuing any such direction it would only be just and proper to observe that the parties may seek their remedy before the appropriate court in terms of their settlement and it is expected that on step being taken the competent court shall take up the application in accordance with



law and shall dispose the same within a reasonable time.

So far as the present case is concerned, in view of the developments, there being no objection on behalf of opposite party no. 2, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Paroo P.S. Case No. 334/2019 be released on provisional bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - III, (West) - cum – Sub-Judge, Muzaffarpur, 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.

Further condition that after being satisfied that the



petitioner has paid a sum of Rs. Eight Lakhs through the Bank Draft to the opposite party no. 2 the learned court below shall confirm the bail bond of the petitioner.

It will be incumbent upon the opposite party no. 2 to abide by the settlement after receiving the amount.

Mr. Bindhya Keshari Kumar, learned Senior Counsel for the petitioner has submitted that the petitioner will pay the entire amount of Rs. Eight Lakhs within three months from today and thereafter immediately the petition seeking decree of divorce with mutual consent will be filed.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

