

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23208 of 2021

Arising Out of PS. Case No.-1067 Year-2019 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Kumar Neelamani Son of Sri Anil Singh Resident of Village- Chainpur, P.O.-
Damodarpur, P.S.- Kanti, District- Muzaffarpur, State- Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ritika Kumari Wife of Kumar Neelamani, Daughter of Deenanath Mishra
Resident of Village- Near Tagore Public School Gobarsahi, P.S.- Sadar,
District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Gyan Abhinav, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For Opp. Party No.2	:	Mr. Hari Kishore Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 24-03-2022 Heard the parties.

The petitioner, opposite party no.2, father, mother and brother of opposite party no.2 are present in Court and after discussions, they have entered into compromise and as a measure of one time settlement, the petitioner and his father have agreed to pay Rs.15,00,000/- (Rupees fifteen lakhs) to opposite party no.2 as full and final settlement of the dispute between the parties.

The petitioner will surrender in the court below and execute the bail bond within two weeks from today along with demand draft in the name of opposite party no.2. On furnishing



demand draft, the petitioner shall be released on provisional bail by the court below on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount to the satisfaction of Sri Deepak Kumar, Judicial Magistrate, 1st Class, Muzaffarpur in connection with Complaint Case No. 1067 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Code.

Demand draft of Rs.5,00,000/- will be handed over to the opposite party no.2 by the court below. Balance amount of Rs.10,00,000/- shall be paid to the opposite party no.2 during the pendency of the divorce proceeding. Second installment of Rs.5,00,000/- shall be paid by the petitioner to the opposite party no.2 at the time of first motion and balance amount of Rs.5,00,000/- shall be paid by the petitioner to opposite party no.2 at the time of second motion. In case the petitioner and opposite party no.2 want waiver of the mandatory period of six months for grant of divorce by mutual consent, they can do so after filing an application in the family court.

The Principal Judge, Family Court, Muzaffarpur shall expedite the divorce proceeding as soon as it is filed and will abide by the direction given in this order. If the entire amount is handed over to the opposite party no.2 by the court below as and



when it is deposited by the parties in the criminal proceeding or in divorce proceeding, the provisional bail granted to the petitioner shall be confirmed.

Education certificates of the opposite party no.2 which are lying with the petitioner in his house shall be returned by the petitioner's family to opposite party no.2 or her father.

With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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