

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61196 of 2019

Arising Out of PS. Case No.-2620 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Vikash Pallav Son of late Shrawan Kumar Resident of Village Andari, P.O. -
Jaitiya, P.S.- Gaurichak, Distt - Patna, At present House No. 283, A - Block,
Phase - 1, Rohani Sector 5, Vijay Bihar New Delhi, Pin Code - 110085

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Kumari Son of Vikash Pallav, D/o Sri Gajendra Singh Resident of
Village - Tarwan, P.S.- Parsa Bazar, Distt - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Vikash Kumar Pankaj, Mr. Pratiyush Kr. Sharma, Advocates
For the State	:	Mr. Umeshanand Pandit, APP
For the Informant	:	Mr. Pramod Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 10-05-2022 Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel for the informant-

opposite party no.2.

The petitioner apprehends his arrest in connection
with Complaint Case No.2620© of 2017 for offences under
Sections 498A, 420, 406 and 323 of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

Petitioner and opposite party no.2 are present in Court
through their respective lawyers.

Learned counsel for the petitioner submits that his
client is ready to pay Rs.15,00,000/- (Rupees fifteen lakhs) to



opposite party no.2 as one time settlement which has been accepted by the opposite party no.2 who is personally present in Court.

Considering the same, this application for anticipatory bail is allowed.

Accordingly, let petitioner, above-named, in the event of his arrest or surrender within four weeks from today, be released on provisional bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in connection with Complaint Case No.2620© of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Since the petitioner is working as Nursing Assistant in New Delhi, the court below will not insist for his regular appearance and it will insist only for his regular appearance at the time of framing of charge and at the time of passing final judgment.

The petitioner will furnish his bail bond along with demand draft for Rs.1,00,000/- in the name of opposite party no.2. Thereafter he shall be granted provisional bail for a period of six months. The petitioner will pay the entire amount in



installment in one go, which is convenient to him, within six months. After payment of the entire mount, his provisional bail shall be confirmed. Thereafter if the petitioner moves for dropping the FIR, it shall be considered by the court below in view of the one time settlement between the parties. The court below will not drag this matrimonial dispute unnecessarily and pass final order disposing of the same within a month on payment of the entire amount. Both the parties will file an application for divorce with mutual consent which shall be decided within six months by the court below. The petitioner will pay Rs.15,00,000/- and payment of Rs.7,50,000/- will be made in the name of the minor under joint guardianship of the petitioner and opposite party no.2 which shall be kept under Fixed Deposit scheme in the nationalized bank and can only be encashed when there is need of money for her education and marriage. The custody of the girl will remain with the mother. The petitioner will not dispute it. The petitioner will have visiting right of meeting the daughter once a month. If there is any difficulty between the parties, the petitioner may move this Court for modification of the order.

This Court has not extinguished property right of the daughter in the property held by her father and it is advisable



that she may exercise her right after attaining majority.

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

(Sandeep Kumar, J)

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