

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85458 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- MAHILA PS District- East Champaran

RITESH KUMAR Son of Manoj Kumar Sahay Resident of Village - Purani
Dharmashala Road, Narkatiyaganj, P.S.- Shikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Anang Mohan Sinha, Advocate
For the Opposite Party/s :	Mr.Bharat Lal, APP
For the Informant :	Mr.Madhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 25-07-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 342, 323, 504, 506, 406, 307, 498(A) and 34 of the Indian Penal Code read with Section 3/4 of the D.P. Act.

Without going into the merits of the case, the present application is being disposed of as the parties have reached to an amicable settlement.

Learned counsel for the petitioner submits that the petitioner is willing to pay an amount of Rs. 3 lakhs by way of one time settlement to the O.P. No.2 and will also pay an amount of Rs. 2,000/- to the O.P. No.2 towards the maintenance



of the child subject to the outcome of the maintenance case which has been filed by the O.P. No.2, it is next submitted that the said maintenance case now should remain confined only to the child since the petitioner is willing to pay an amount of Rs. 3 lakhs as one time settlement to the O.P. No.2 to which the O.P. No.2 has also agreed. Learned counsel further submits that for making said payment of Rs. 3 lakhs, it will require some time as the petitioner presently is not in a condition to pay the one time settlement amount of Rs. 3 lakhs in one go, learned counsel thus submits that at least six months time be given to the petitioner for making the final payment.

Learned counsel for the informant based on instruction submits that the O.P. No.2 is willing to settle the issue provided Rs. 3 lakhs as one time settlement is given to her and thereafter she will withdraw all the cases against the petitioner accept the maintenance case which she has filed and that she will confine it only to the maintenance of the child. Learned counsel submits that since the petitioner is seeking six months' time for paying the one time settlement amount of Rs. 3 lakhs, as agreed, as such the petitioner till the final payment is not made, should pay an amount of Rs. 3,000/- to the O.P. No.2 by way of maintenance and the day Rs. 3 lakhs is paid in its



entirety, then the said amount of Rs. 3,000/- per month shall stop.

Learned counsel for the petitioner sought some time to seek institution in the matter and when the matter was taken up again, learned counsel for the petitioner submits that he will pay the entire amount of Rs. 3 lakhs within a period of six months from today and at the same time will keep paying an amount of Rs. 3,000/- to the O.P. No.2 apart from Rs. 2,000/- for child i.e., Rs. 5,000/- per month to the O.P. No.2. Learned counsel next submits that the moment Rs. 3 lakhs is paid in its entirety to the O.P. No.2 within a period of six months from today, from that day her maintenance will stop and only Rs. 2,000/- would be paid to the O.P. No.2 towards maintenance of the child, subject to the outcome of the maintenance case.

Learned counsel for the informant submits that in the event if the petitioner stops paying the maintenance of the child then what remedy he has, it is next submitted that he will file an application seeking cancellation of bail bonds of the petitioner.

In view of the amicable settlement reached between the parties as aforesaid, the petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt/production of a copy of this



order, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Motihari Mahila P.S. Case No. 45 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned court below shall ensure that the bail bonds of the petitioner shall be accepted finally only after he makes the entire payment of Rs. 3 lakhs within a period of six months from the date the present order is received in the learned court below. In the event, if the petitioner is not able to make the payment within the period aforesaid, his bail bonds shall be cancelled.

At this stage, the learned counsel for the informant submits that he will provide the account number on behalf of the informant in the learned court below in which the said amount shall be deposited by the petitioner, as agreed.

(Satyavrat Verma, J)

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