

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17944 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- MAHILA P.S. District- Patna

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ABHISHEK SINGH @ ABHISHEK KUMAR SINGH S/O DR. LAKSHMI
NARAYAN SINGH R/o- Flat No. 104, Santosha Apartment, Bander Bagicha,
P.S.- Kotwali, District- Patna, Presently residing at CCAS, 1 Place Larger,
90300. Valdppe. France

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. KUSHBU SINGH @ KHUSBU RANI D/O AMARNATH SINGH, W/O
ABHISHEK SINGH @ ABHISHEK KUMAR SINGH R/o village- Amaraie
Nawada, P.S.- Udawant Nagar, District- Bhojpur, Presently residing at
House No. B/8, Road No. 1, Police Colony, Gandhi Vihar, Anishabad, P.S.-
Gardanibagh, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Agrawal
For the Opposite Party/s : Mr. Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 15-03-2023 Heard learned counsel for the petitioner, learned

A.P.P. for the State along with learned counsel for the informant,

Mr. Sumit Kumar.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 341,
379, 498A and 34 of the Indian Penal Code and Section 3 and 4
of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the



petitioner will be paying an amount of Rs. 30,00,000/- to the informant and Rs. 5,00,000/- would be deposited in the joint account of the informant and the child, it is next submitted that Rs. 5,00,000/- shall be deposited within a week from the day the informant furnishes the Bank details along with the Joint Account Number to the petitioner, either on Whatsapp, E-mail or by any other mode, but E-mail or Whatsapp would be preferable, the said amount would be by way of contingency fund for the child. Learned counsel next submits that today he has brought a cheque drawn on State Bank of India bearing Cheque No. 218226 dated 15.03.2023 for an amount of Rs. 10,00,000/- and the same is being handed over to the learned counsel for the informant in Court, which has been accepted by the learned counsel for the informant.

Learned counsel for the petitioner next submits that the rest Rs. 20,00,000/- shall be paid to the informant at the time when the application under Section 13B of the Hindu Marriage Act is filed as agreed. Learned counsel next submits that the petitioner undertakes the responsibility of the child till he does not stand on his feet. It is also submitted that the petitioner is well aware of the rights of the child in his ancestral property i.e., the child will have his rights in the ancestral property of the



petitioner.

Learned counsel for the petitioner next submits that he has instructions to make submission that the petitioner will undertake the responsibility of the child of his entire educational career, it is also submitted that the petitioner would be paying an amount of Rs. 10,000/- per month, which shall be credited in the aforesaid joint account in between 1st-10th of every month commencing from the month in which the joint account is opened and the joint account number is furnished to the petitioner, towards the expense incurred on the education of the child in the school i.e., upto 10+2 and, thereafter, till his further studies, the petitioner will make endeavors to make payments.

Learned counsel for the informant agrees to what has been submitted by the learned counsel for the petitioner based on the instructions received from the informant.

Learned counsel next submits that he has received the cheque of Rs. 10,00,000/- on behalf of the informant, further endeavors would be made for filing divorce case by mutual consent within 4 weeks from today.

Learned counsel for the informant next submits that the day on which the application under Section 13B is registered in the Court of learned Principal Judge, Family Court on that



date itself, the rest Rs. 20,00,000 should be paid to the informant to which the learned counsel for the petitioner agrees and submits that if not on the same date, it shall be paid within a week from registration of the case in the Court of Learnd Principal Judge, Family Court.

Learned counsel next submits that the petitioner will never shy away from any responsibility of the child, in the future if need will arise and if the child will require any kind of help, the same shall be extended by the petitioner cordially.

At this stage, the learned counsel for the petitioner and the informant jointly submits that both are living separately for the last 6 years hence when the application under Section-13B of the Hindu Marriage Act is filed, the cooling of period should be waved.

The Court is aware of the jurisdiction in which this order is being passed but then it will always be open for the parties to raise the issue before the learned Principal Judge, Family Court for his consideration.

Learned counsel for the petitioner, at this stage, submits that at least some direction be given for visitation right of the petitioner to meet the child to which the learned counsel for the informant submits that the same will be decided mutually



and informant will have no issue in allowing the petitioner to meet the child.

The informant shall file an application for withdrawing the present criminal case i.e., Mahila Thana P.S. Case No. 53 of 2021.

The court expects that both petitioner and the informant shall abide by the undertaking which has been given in the court today.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mahila Thana P.S. Case No. 53 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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