

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15699 of 2022

Arising Out of PS. Case No.-323 Year-2020 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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KAUSHAL KISHORE PANDEY @ KAUSHAL PANDEY Son of Anil
Pandey Resident of Village - Awaleshpura, Near Amra Chouraha, P.S.-
Rohania, District - Varanasi (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Pandey Daughter of Shashi Kant Pandey At Present Village -
Kishunpur, P.S.- Ramgarh, Dist.- Kaimur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Sinha,Advocate
		Mr. Ajay Kumar Prasad, Advocate
For the Opposite Party/s :		Mr.Jitendra Kumar Singh,APP
For the Informant	:	Mr. Raghvendra Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 31-01-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 323 of 2020 for the offence registered
under Section 498A of the Indian Penal Code and $\frac{3}{4}$ of the D.P.
Act.

On the last occasion, on 19.10.2022, a Co-ordinate
Bench of this Court had directed both the husband and wife to
appear on the submissions put forward by the respective
counsels that they are willing to settle the issue and take their
separate ways as the differences have increased to such an



extent and it is not possible for her to stay with the petitioner.

Pursuant to the said order, the couple presented themselves in the Court and it has been agreed between them that Rs. 7 lakhs will be given by the petitioner to the lady Archana Kumari @ Archana Pandey in the following terms:

(i) demand draft of Rs. 3,50,000/- issued in the name of Archana Kumari (Archana Pandey) by the State Bank of India, Patna High Court branch dated 31.01.2023 vide no. 758883 is being handed over to the lady through the learned counsel for the informant;

(ii) Rs. 90,000/- will be paid to her by 28th February, 2023 to be deposited through RTGS in her Bank Account;

(iii) further Rs. 90,000/- each (totalling Rs. 1,80,000/-) will be paid on 31st March, 2023 and on 30th April, 2023 through RTGS in her Bank Account;

(iv) the last installment of Rs. 80,000/- will be paid to her on 31.05.2023 through RTGS in her Bank Account.

Taking into account the aforesaid facts, so far as anticipatory bail is concerned, this Court is inclined to grant him the privilege of anticipatory bail.

However, if he fails to abide by the terms and agreements agreed between the parties and later presented



before the Court (while stands recorded) inasmuch as default in making payment by the due date, as stated above, the informant will be free to take steps for cancellation of his bail bond.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bhabhua, Kaimur in connection with Complaint Case No. 323 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C.

Both the learned counsel for the petitioner as also the informant agreed to the point that once the entire payment is made, they will pursue the further legal remedy, so that the couple could walk their separate path.

With the aforesaid observation, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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