

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22527 of 2023

Arising Out of PS. Case No.-3 Year-2014 Thana- ARWAL MAHILA District- Jehanabad

Akhilesh Rai @ Akhilesh Ray @ Akhilesh Kumar Rai Son of Jhagdu Ray @
Harendra Ray Resident of Village - Bardhihan, Police Station - Charpokhari,
District - Bhojpur at Ara

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smita Kumari Wife of Akhilesh Rai @ Akhilesh Ray @ Akhilesh Kumar Rai
Resident of Village - Bardhihan, Police Station - Charpokhari, District -
Bhojpur at Ara, At present residing at Village - Sahar Telpa, Police Station -
Karpi, District – Arwal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 25-05-2023 1. Heard the parties.
2. Petitioner is accused in connection with Arwal Mahila PS
Case No. 03 of 2014, G.R. No. 537 of 2014 dated 12.03.2014
registered for the offences punishable under Sections 323, 452,
498(A) and 504 of the Indian Penal Code.
3. It is submitted by learned counsel for the petitioner that
on account of conciliation efforts made by this Court as well as
made outside of this Court, both the spouses have arrived at a
compromise in respect of dissolution of their marriage as well as
on permanent alimony and in this regard, a supplementary
affidavit has been filed by the petitioner describing all the terms

and conditions relating to the said settlement and according to the said settlement, a sum of Rs. 4,50,000/- (Four Lakh and Fifty thousand) will be paid by the petitioner to his wife (O.P. No. 2) as permanent alimony and out of said alimony, Rs. 50,000/- (Fifty thousand) will be paid by the petitioner to his wife at the time of submitting his bail bond before the trial Court and the rest amount of Rs. 4,00,000/- (Four lakhs) will be paid by him in six installments in the period of six months, though in the supplementary affidavit the said period has been mentioned as one year but during the course of argument petitioner has agreed to pay the said amount within six months in equal installments and the O.P. No. 2 will cooperate in deciding the criminal case bearing Arwal Mahila PS Case No. 03 of 2014 in the light of the said compromise and she will also file a divorce petition with this petitioner under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent.

4. Learned counsel for O.P. No. 2 has also agreed to the above-mentioned terms and conditions.

5. Considering the above submissions, the petitioner's prayer for bail is accepted provisionally and he is directed to be enlarged on bail in connection with Arwal Mahila PS Case No.

03 of 2014, **provisionally for a period of 6 months** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, **on this condition that the petitioner shall have to comply with all the terms and conditions detailed in the supplementary affidavit filed by the petitioner and also discussed in the paragraph no. 3 of this order within the period of provisional bail and the terms and conditions which are to be complied by informant will be complied by her as per the settlement. If petitioner fails to comply with the terms and conditions of said settlement, despite the cooperation of informant then on being satisfied the trial Court will take serious action against him by cancelling his bail bonds.**

6. The trial Court will confirm the said provisional bail after the compliance of above mentioned terms and conditions.

(Shailendra Singh, J)

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