

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35704 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- MALAYPUR District- Jamui

=====

KUMAR GAURAV Son of Sri Rajendra Prasad Tiwary Resident of Flat No.-
6A, Global Lavanya Apartment, Booty More, P.S.- Khelgaon, District -
Ranchi (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Aparna Kumari W/o Sri Kumar Gaurav R/o Flat no. 6A, Global Lavanya
Apartment, Booti More, P.S.- Khelgaon, Distt- Ranchi (Jharkhand).

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Saket Gupta, Advocate
For the State	:	Mr.Lalan Kumar, APP (Incharge)

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

14 22-02-2023 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 as well as learned APP for
the State.

The petitioner has been granted provisional bail on
21.07.2022 in connection with Malaypur P.S. Case No. 05 of
2022 for the period of three months and thereafter for the
purpose of mediation his period of provisional bail has been
extended and petitioner is still on provisional bail.

Learned counsel for the petitioner and learned counsel
appearing for opposite party no. 2 have filed joint affidavit and
submit that both parties have settled their dispute on the basis of
memorandum of understanding which has been filed in this case



and both parties are ready to oblige the terms of the memorandum of understanding dated 12.02.2023 kept at Annexure-14 of the present petition and the crux of memorandum of understanding is as follows:-

It has been settled between the parties that both parties shall jointly file a petition seeking a decree of dissolution of marriage by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955 within a period of thirty days. It has further been settled that both parties after filing of petition under Section 13(B) of the Hindu Marriage Act, 1955 seeking divorce by mutual consent, they shall voluntarily and unconditionally withdraw/ compound/ give no objection to end cases filed against each other including the prosecution filed against each other or their family members before any court /authority. It has further been settled that petitioner shall give Rs. 12,25,000/- as permanent alimony for past, present and future maintenance and a demand draft of Rs. 12,25,000/- as permanent alimony drawn in favour of Aparna Kumari (opposite party no. 2) shall be deposited by the petitioner along with mutual application seeking divorce before the Principal Judge, Family Court, Jamui at the time of filing of the divorce application. The parties have agreed that the said demand draft shall be handed over to



Aparna Kumari by the court of learned Principal Judge, Family Court at Jamui at the time of second motion i.e. at the time of deposition of the evidence of the parties in mutual divorce application and upon the conclusion of the prosecution brought by her as against petitioner and his other family members. The first party agreed to re-validate the demand draft in case the same get expired during the pendency of the mutual divorce application.

Learned counsel for the petitioner by filing supplementary affidavit submits that with respect to the place of filing for divorce application, petitioner has developed some apprehension regarding his security and the same apprehension was brought into the knowledge of this court during the course of argument. He further submits that personal security be provided to petitioner during the course of his visit to the District of Jamui (Bihar) from Patna for the purpose of filing and hearing of the matrimonial case.

Considering the facts and circumstances of the case as well as memorandum of understanding coupled with supplementary affidavit filed by the petitioner, the provisional bail granted to the petitioner in connection with Malaypur P.S. Case No. 05 of 2022 is hereby confirmed and the present



petition stands disposed off.

However, all the facts as mentioned in the Memorandum of understanding has not been discussed in this order but the same be treated as part and parcel of this order.

The Superintendent of Police, Jamui is directed to provide adequate security to the petitioner as and when it is required by the petitioner during his visit to Jamui from Patna for the purpose of filing and hearing of matrimonial case.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

