

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32333 of 2023

Arising Out of PS. Case No.-3160 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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RITESH KUMAR Son of Shreeram Singh Resident of Quarter No. 3223,
Sector -11/C, Bokaro Steel City, P.O and P.S. - Bokaro Steel City, Distt. -
Bokaro, Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari Wife of Ritesh Kumar Resident of Mohalla - Sanjay Gandhi
Nagar, Road No. 8, Near Kali Mandir, P.S. - Patrakar Nagar, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP
Ms. Shruti Sinha, Adv

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 28-02-2024 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State, Mr. Ajay Kumar No. 2 along with

learned counsel for OP No. 2, Ms. Shruti Sinha.

 2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 498A of the

Indian Penal Code and Section 4 of Dowry Prohibition Act.

 3. The learned counsel for the petitioner submits that

the case was referred for mediation and the dispute in between

the petitioner and the OP No. 2 stands resolved. It is next

submitted that apart from the present Complaint Case No.

3160C of 2019, the OP No. 2 herein has also filed DV Case No.



28 of 2022, which is pending adjudication in the court of learned Judicial Magistrate, First Class Patna, Matrimonial Case No. 178 of 2022 seeking divorce on the grounds of cruelty, which is pending adjudication in the court of learned Additional Principal Judge, Family Court, Patna and Maintenance Case No. 261 of 2019, which is also pending adjudication in the court of learned Additional Principal Judge, Family Court, Patna.

4. The learned counsel further submits that the dispute in between the petitioner and the OP No. 2 stands resolved by way of one time settlement and the petitioner has agreed to pay an amount of Rs. 6 lakhs towards full and final settlement. It is next submitted that the said amount of Rs. 6 lakhs was to be paid in three installments, but then the time was not fixed, but certain conditions were attached.

5. The learned counsel next submits that petitioners will pay the entire amount of Rs. 6 lakhs by 31-5-2024.

6. The learned counsel appearing on behalf of the OP No. 2 submits that in the event if the amount as agreed is paid by the petitioner by 31-5-2024, in that event the OP No. 2 will withdraw all the cases against the petitioner, i.e., Complaint Case No. 3160C of 2019, DV Case No. 28 of 2022, Matrimonial Case No. 178 of 2022 and Maintenance Case No. 261 of 2019.



It is next submitted that thereafter if the petitioner will file an application seeking divorce by mutual consent, in that event the OP No. 2 shall sign the same without any objection on which the learned counsel for the petitioner submits that after paying the entire amount of Rs. 6 lakhs, the petitioner will immediately file an application seeking divorce by mutual consent.

7. Considering the submission made by the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender before the learned Court below, is directed to be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) 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 Complaint Case No. 3160C of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. It is made clear that in the event if the OP No. 2 does not file any application before the learned trial court by 11-6-2024 bringing to its notice that the petitioner has flouted the undertaking given to this court by not paying the maintenance amount by 31-5-2024 in that event, the provisional anticipatory bail granted to the petitioner shall stand confirmed on the same



terms and conditions and in the event, if any application is filed by the OP No. 2 after 31-5-2024 but prior to 11-6-2024 that petitioner has flouted the undertaking given to this court by not paying the maintenance amount as agreed by 31-5-2024, in that event, the learned trial court shall cancel the provisional anticipatory bail bonds of the petitioner.

9. The court expects that OP No. 2 shall not pursue the aforesaid cases filed by her against the petitioner till 31-5-2024.

(Satyavrat Verma, J)

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