

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39421 of 2023

Arising Out of PS. Case No.-457 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Nazir Khan, Son Of Zubair Khan Resident Of Village - Baghota, P.O. -
Bikopur, P.S. - Kothi, Bikopur, Distt. - Gaya, Bihar - 824210

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Khanam, Wife of Naizr Khan Resident of village- Bahota, P.S. - Kothi,
Distt. - Gaya, at present resident of village - Sohail, P.O. - Salaiyya, P.S. -
Sohail, Distt. - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Saxena
For the State	:	Mr.Md. Fahimuddin- A.P.P.
For the Complainant	:	None

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 04-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. No one appears on behalf of the complainant.

3. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 498A of the Indian Penal Code.

4. The learned counsel for the petitioner submits that
the dispute is purely matrimonial and the case was referred for
mediation and the mediation has succeeded as would manifest
from the report of the learned Mediator dated 30.04.2024
wherein it has been recorded that the parties have agreed to



settle the dispute by way of one time settlement. The petitioner has to pay an amount of Rs.2 Lacs to the opposite party no.2 towards full and final settlement. Further, after the opposite party no.2 receives the amount of Rs.2 Lacs, she has agreed to withdraw the instant complaint case that is Complaint Case No.457 of 2022 pending in the Court of the learned Judicial Magistrate, 1st Class, Sherghati, Gaya.

5. The learned counsel for the petitioner further submits that from perusal of the report of the learned Mediator, it would manifest that opposite party no.2 has already received Rs.2 Lacs vide Banker Cheque No.264104 issued by State Bank of India dated 29.04.2024. It is next submitted that though the opposite party no.2 has received the amount of settlement as agreed, but then, no application on her behalf has been filed before the learned trial Court seeking to withdraw the instant complaint case.

6. Learned A.P.P. submits that opposite party no.2 has accepted the amount of Rs.2 Lacs as recorded herein above, as such, the opposite party no.2 now cannot resile from the agreement arrived at.

7. 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Complaint Case No.457 of 2022, Trial No.251 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. However, it is made clear that the opposite party no.2 shall honour the agreement entered into in between her and the petitioner as recorded in the report of the learned Mediator dated 30.04.2024

(Satyavrat Verma, J)

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