

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38679 of 2023

Arising Out of PS. Case No.-733 Year-2022 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Md. Ali @ Md. Ali Siddique Son Of Md. Qutubuddin Resident Of Village
Babu Ram Ke Chhapra Ps Dubhad District Ballia Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sharya Khatoon Daughter Of Shekha Mukhtar Chauhan Resident Of Village
Rajapur Beni Lal Ke Dera Ps Simri District Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mohit Shriwastava
For the Opposite Party/s : Ms.Gulnar Begum, APP
Mr. Dhanesh Shankar Vidyarthi

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-04-2024 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State along with learned counsel for the

OP No. 2 Mr. Dhanesh Shankar Vidyarthi .

 2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 498A, 323

and 34 of the Indian Penal Code.

 3. The learned counsels for the parties jointly submit

that the case was referred for mediation and the mediation

succeeded but then report of the learned Mediator is awaited.

 4. The learned counsels for the parties further submit

that in the mediation proceedings, it was agreed that the

petitioner by way of one time settlement shall pay an amount of



Rs. 3 lakhs to the OP No. 2 and the OP No. 2, thereafter, will withdraw the criminal case and the parties will obtain divorce by mutual consent.

5. The learned counsel for the petitioner submits that he has already paid an amount of Rs. 1 lakh and an application seeking divorce by mutual consent has been filed in the court of learned Principal Judge, Family Court, Buxar. It is further submitted that petitioner still has to pay an amount of Rs. 2 lakhs and the same shall be paid positively on or before 23-6-2024.

6. It is thus jointly submitted that since parties have agreed as such no purpose would be served by sending the matter back to learned Mediator.

7. The learned counsel appearing on behalf of OP No. 2 submits that since petitioner is willing to pay the rest amount of Rs. 2 lakhs by 23-6-2024 as such he is not opposing the anticipatory bail application of the petitioner. It is next submitted that in the event if the amount of Rs. 2 lakhs is paid by 23-6-2024, the OP No. 2 shall withdraw the criminal case and will also take divorce by mutual consent but then the same shall be done only after the OP No. 2 receives Rs. 2 lakhs.

8. Considering the submissions made by the learned



counsels for the parties, the petitioner above-named, in the event of his arrest or surrender before the learned trial court till 26-6-2024, be released on provisional anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 733C of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. It is made clear that in the event if the petitioner complies with the undertaking given before this court of making payment of Rs. 2 lakhs to the OP No. 2 on or before 24-6-2024, in that event, the provisional anticipatory bail bonds of the petitioner shall be confirmed on the same terms and conditions but if the petitioner does not pay the amount of Rs. 2 lakhs as agreed on or before 24-6-2024 in that event, the learned trial court shall forthwith cancel the provisional bail bonds of the petitioner and shall take all coercive steps to ensure that the petitioner is behind bars.

(Satyavrat Verma, J)

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