

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41916 of 2023

Arising Out of PS. Case No.-209 Year-2021 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Sandeep Kumar @ Jhabbu, Son Of Indradeo Rajak Mohalla- Machharhatta
Gali Ward No-6, Po- Dumraon Ps- Dumraon Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Kumari, wife of Sandeep Kumar @ Jhabbu , D/o- Lalbabu Rajak
R/o- Khetari Mohalla, Jail Road Ara Ps- Ara Town Dist- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg
For the Opposite Party/s : Ms. Renu Kumari
Mr. Pankaj Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-04-2024 1. Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned APP for the
State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 323, 341, 498A, 504, 506 and 34 of the Indian Penal
Code and Sections 3 and 4 of the D. P. Act.

3. The learned counsel for the parties jointly
submitted that the matter was referred for mediation and the
mediation proceedings before the learned Mediator was
successful.

4. It is further submitted that the dispute in between



the petitioner and the opposite party no.2 was resolved amicably by way of one time settlement. It is also submitted that the opposite party no.2 agreed for one time settlement in the event, if the petitioner pays an amount of Rs.4 Lacs. It is further submitted that thereafter, an agreement was entered in between the petitioner and the opposite party no.2, which was signed by their respective learned counsels wherein it was recorded that petitioner would pay an amount of Rs.4 Lacs by way of one time settlement.

5. At this stage, the learned counsel for the petitioner submits that petitioner has already paid the amount of Rs.4 Lacs to the opposite party no.2. It is next submitted that the opposite party no.2 had also filed a Maintenance Case No.80 of 2021 in the Court of the learned Principal Judge, Family Court, Bhojur at Ara. The said maintenance case was decided ex parte by an order dated 31.10.2023 whereby the petitioner was directed to pay a monthly maintenance of Rs.7,000/- It is further submitted that since the maintenance order was ex parte, as such, petitioner was not aware about the pendency of the said maintenance case, but then, the opposite party no.2 ought to have brought the said fact to the notice of the learned Mediator in the mediation proceeding.



6. At this stage, the learned counsel appearing on behalf of the opposite party no.2 submits that he has instruction to make submissions that opposite party no.2 shall not seek the enforcement of the order of maintenance dated 31.10.2023 as she has received Rs.4 Lacs by way of one time settlement. It is further submitted that in view of the settlement arrived, the petitioner is entitled for anticipatory bail.

7. Considering the submissions made by the learned counsel appearing on behalf of the opposite party no.2, 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. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bhojpur, Ara in connection with Complaint Case No.209C of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

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