

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45265 of 2023

Arising Out of PS. Case No.-126 Year-2022 Thana- PHULWARISHARIF District- Patna

Deepak Kumar Tiwari @ Dipak Kumar Tiwari Son Of Kamlesh Tiwari
Resident Of Village- Aaarap, Ps- Vikaram, Distt- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyambhavi Wife Of Dipak Kumar Tiwari Resident Of Village- Aaarap, Ps- Vikaram, Distt- Patna Presently Residing At Village- Bagadha Tola, Near Siva Temple, Ps- Janipur, Distt- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 5 20-02-2024 1. Heard learned counsel for the petitioner, learned counsel for the O.P. No.2 along with learned APP for the State.
2. The learned counsel for the petitioner submits that the issue in between the petitioner and the O.P. No.2 who are husband and wife has been resolved through mediation proceeding. It is next submitted that petitioner in terms of the settlement has to pay an amount of Rs.6,00,000/- along with land measuring 300 sq.feet. It is next submitted that the money and the land is to be given to the O.P. No.2 by 31.03.2024.



3. The learned counsel appearing on behalf of the O.P. No.2 does not dispute the submission made by the learned counsel for the petitioner, but submits that till date O.P. No.2 has not received any amount.

4. The learned counsel appearing on behalf of the O.P. No.2 further based on instruction submits that in the event if the settlement as arrived is formalized in that event the O.P. No.2 shall withdraw the present criminal case.

5. 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 provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs. 5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Phulwarisharif P.S. Case No.126 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. However, it is made clear that if an application is filed by the O.P. No.2 after 31.03.2024 alleging therein that the petitioner has breached the terms of one time settlement arrived at, in that event the provisional anticipatory bail granted to the



petitioner shall be cancelled after hearing the petitioner by the learned Trial court. Further if no such application is filed by the O.P. No.2 alleging breach of the one time settlement by the petitioner till 09.04.2024, the learned trial court shall confirm the provisional anticipatory bail of the petitioner on the same terms and conditions.

(Satyavrat Verma, J)

Prakash Narayan

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