

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48527 of 2023

Arising Out of PS. Case No.-01 Year-2023 Thana- MAHILA PS District- East Champaran

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NAUSHAD ALAM S/O MD. NEJAMUDDIN R/O Village- Gochhi, P.S-
Kesariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nafisa Khatoon D/O Md. Hasid R/O Village- Rampur Kodar, P.S- Kesariya,
Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar
For the Opposite Party/s : Ms.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 26-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498A,
323, 341, 504 and 34 of the Indian Penal Code and Sections 3
and 4 of the DP Act.

3. The learned counsel for the OP No. 2 at the outset,
submits that the matter was referred from mediation and dispute
in between the petitioner and the OP No. 2, who are husband
and wife, stands resolved. It is further submitted that petitioner
has to pay maintenance of Rs. 7 lakhs to the OP No. 2 by way of
one time settlement and also has to return certain articles as
recorded by the learned Mediator.

4. The learned counsel for the petitioner submits that



no doubt learned Mediator has recorded that certain articles are to be returned but then it may be a possibility that at the time of returning the article a dispute may arise that it is not the same article which was given at the time of marriage on which learned counsel for OP No. 2 submits that he has instruction to make submission that if the petitioner will pay an amount of Rs. 25,000/- in lieu of the article in that event the OP No. 2 shall not seek return of the articles as recorded by learned Mediator.

5. The learned counsel for the petitioner, at this stage, submits that petitioner will pay the entire amount of Rs. 7.25 lakhs (seven lakhs and twenty five thousand) within a period of nine weeks from today, i.e., the entire payment shall be made by 6-5-2024.

6. The learned counsel for the OP No. 2 submits that in the event if the entire amount is paid by 6-5-2024, in that event, the OP No. 2 shall withdraw all the cases filed against the petitioner.

7. The learned counsel for the petitioner, at this stage, submits that after the entire payment shall be made, the petitioner will file an application seeking divorce by mutual consent on which the learned counsel for the OP No. 2 submits that the moment the said application would be filed, the OP No.



2 shall sign the same.

8. In view of the submissions 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. 3,000/- (Rupees Three 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 Mahila P.S. Case No. 01 of 2023 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 OP No. 2 does not file any application by 15-5-2024 bringing to the notice of the learned trial court that the amount as agreed by the petitioner has not been paid within the time aforesaid, in that event, the learned trial court shall confirm the provisional anticipatory bail bonds of the petitioner on the same terms and conditions.

(Satyavrat Verma, J)

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