

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63085 of 2023

Arising Out of PS. Case No.-1179 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

MD. MERAJ Son of Late Md. Najrul @ Najrul haque R/o vill - Lagua, P.S. -
Abadpur, Distt. - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nasera Khatoon Wife of Md. Meraj, D/o Md. Pochu R/o vill - Lagua, P.S. -
Abadpur, Distt. - Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Helal Ahmad
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP
Mr. Suresh Prasad Shah, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 14-03-2024 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. Suresh Prasad Shah.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498A and
323 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the dispute is purely matrimonial, and on intervention of the
well-wisher, the issue in between petitioner and the OP No. 2
stands resolved amicably by way of one-time settlement. It is
further submitted that it has been agreed in between the
petitioner and the OP No. 2 that OP No. 2 shall withdraw



Abadpur PS Case No. 79 of 2019 and the present complaint case and will not file an execution case before the learned Principal Judge, Family Court, Katihar, seeking execution of order dated 3-6-2022 in Maintenance Case No. 205 of 2019, in the event if the petitioner pays an amount of Rs. 2,50,000/- (2 lakh and 50 thousand) by way of one-time settlement, it is also submitted that the OP No. 2 has agreed to receive the amount of Rs. 2,50,000/- in installments of Rs. 25,000/- per month commencing from 27-3-2024.

4. The said submission of the learned counsel appearing on behalf of the petitioner is not disputed by the learned counsel appearing on behalf of the OP No. 2, rather concurs with the submission and submits that the OP No. 2 shall withdraw all the cases against the petitioner and will also not seek execution of non-compliance of the order dated 3-6-2022 in Maintenance Case No. 205 of 2019, in the event, if the petitioner pays Rs. 2,50,000/- by way of one-time settlement to the OP No. 2 in installments of Rs. 25,000/- per month, which commences from 27-3-2024 and ends on 27-12-2024.

5. The learned counsel for the OP No. 2 further submits that he will whatsapp the bank account number of the OP No. 2 on the WhatsApp number of the learned counsel



appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner so that the amount as agreed starts getting deposited from 27-3-2024.

6. Considering the submission made by the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender, 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 trial court where the case is pending/successor court in connection with Complaint Case No. 1179 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that if any application is filed by the OP No. 2 bringing to the notice of the learned trial court that the petitioner as agreed has not paid the amount on 27th of any of the month till December 2024, the learned trial court shall be at liberty to cancel the provisional bail bonds of the petitioner and to take all coercive steps to ensure that petitioner is behind bars.

8. However, if no such application is filed by the OP No. 2 till 5-1-2025, in that event the provisional anticipatory



bail granted to the petitioner shall be confirmed on the same terms and conditions.

9. It is also made clear that in the event if the agreement entered in between the parties stands complied in its true letter and spirit, then the OP No. 2 shall withdraw all the criminal cases filed against the petitioner.

10. At this stage, the learned counsel for the OP No. 2 also submits that if the amount as agreed by way of one-time settlement is paid by 27-12-2024 and thereafter the petitioner seeks divorce by mutual consent, in that event, the OP No. 2 shall sign the said document without any objection.

(Satyavrat Verma, J)

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