

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10941 of 2024

Arising Out of PS. Case No.-1000 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Muntun Kumar @ Mantun Kumar, Son Of Shankar Singh R/O Village-
Mirchi (marchi), Ps- Bypass, Dist- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Aarti Kumari Wife Of Muntun Kumar R/O Village- Shahpur, Ps- Gopalpur,
Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Budhilal Yadav

For the Opposite Party/s : Ms. Renu Kumari

Ms. Prativa Kumari

Mr. Narendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-03-2024 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
Section 498(A) of the Indian Penal Code and Section 4 of the D.
P. Act.

3. The learned counsel for the petitioner submits that
the relationship in between the petitioner and the opposite party
no.2 has soured to an extent that it is not possible to revive the
conjugal relationship.



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 opposite party no.2.

5. However, the learned counsel for the parties jointly submitted that on intervention of well-wishers, the parties have reached an amicable settlement wherein the petitioner is ready to pay an amount of Rs.3,75,000/- (Rs. Three Lacs and Seventy Five Thousand) by way of one time settlement.

6. The learned counsel for the petitioner, at this stage, submits that petitioner will pay the amount of Rs.3,75,000/- as agreed, but then, will seek some time as he works as a *Khalasi* on a pick-up van. It is further submitted that petitioner will pay the entire amount, as agreed, within a period of six months from today.

7. The learned counsel appearing on behalf of the opposite party no.2, on instruction, submits that in the event, if the petitioner pays an amount, as agreed, within a period of six months from today, then the opposite party no.2 shall withdraw the present complaint case and any other case which the opposite party no.2 might have filed. It is also submitted that thereafter, if the petitioner will file an application before a Court of competent jurisdiction seeking divorce by mutual consent,



the opposite party no.2 shall sign the documents without any objection.

8. Considering 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 till 07th September, 2024**, on his furnishing bail-bonds in the sum of Rs. 3,000/- (Rupees Three Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Patna in connection with Complaint Case No.1000(C) of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. However, it is made clear that in the event, if any application is filed by the opposite party no.2 till 13.09.2024, bringing to the notice of the learned trial Court that petitioner as agreed has not made the payments in that event, the learned trial Court shall forthwith cancel the provisional anticipatory bail bonds of the petitioner and shall take all coercive steps to ensure that petitioner is behind bar, but if no application is filed on behalf of the opposite party no.2 by 13.09.2024, bringing to the notice of the learned trial Court that the amount has not been paid, in that event, the learned trial



Court shall confirm the provisional anticipatory bail bonds of the petitioner on the same terms and conditions.

11. At this stage, the learned counsel for the opposite party no.2 submits that she will whatsapp the bank account number of the opposite party 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 submits that he will communicate the same to the petitioner, so that the amount as agreed is paid within the time frame.

12. At this stage, the learned counsel for the opposite party no.2 reiterates and submits that the moment the amount of Rs.3,75,000/- is paid by the petitioner, in that event, the opposite party no.2 shall without any objection will seek divorce by mutual consent in the event, if the same is filed by the petitioner, the opposite party no.2 shall not object to the petitioner seeking divorce by mutual consent.

(Satyavrat Verma, J)

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