

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.890 of 2024

Arising Out of PS. Case No.-283 Year-2023 Thana- GRIYAK District- Nalanda

Sushil Kumar Kashyap Son of Omkar Nand Singh Resident of Village -
Gajipur, P.S. - Pawapuri, District - Nalanda (Bihar)

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Gudiya Kumari D/O. Ravi Shankar Singh Resident of Village And P.O. -
Badi Aant, P.S. - Ben, District - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lalan Kumar, Advocate
For the Opposite Party/s : Mr. Sameer Sawaran, Advocate
For the State : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-03-2024 1. Heard learned counsel appearing on behalf of

the petitioner, learned counsel appearing for opposite

party no. 2 and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R. and

apprehending his arrest in connection with

Giriak/Pawapuri P.S. Case No. 283 of 2023 registered

for the offences punishable under Sections 341, 323,



307, 495, 498 A, 504, 506 and 34 of the Indian Penal Code.

3. The allegation against this petitioner, who is husband, is to commit mental and physical cruelty upon O.P. No. 2/wife.

4. Learned counsel appearing on behalf of the petitioner submitted that the amount of Rs. 20 Lakhs as permanent alimony is accepted to the petitioner, if O.P. No. 2 is ready for mutual divorce. It is further submitted that the said Rs. 20 Lakhs will be paid in four installments on yearly basis for which the first installment of Rs. 5 Lakhs will be paid within eight weeks at the time of furnishing bail bond and remaining three installments each of Rs. 5 Lakhs be paid before 31st March of the year 2025, 2026 and 2027, respectively to O.P. No. 2/Gudiya Kumari. It is submitted that it may be paid earlier, if the financial condition of petitioner permit the same. It is further offered by petitioner that till payment of Rs. 20 Lakhs or dissolution of marriage by way of mutual



divorce, whichever is earlier, the petitioner shall pay Rs. 5,000/- per month as an ad-interim maintenance in addition to aforesaid Rs. 20 Lakhs to O.P. No. 2/wife.

5. O.P. No. 2 namely, Gudiya Kumari has appeared in person and accepted the proposal as aforesaid and also shows her willingness to dissolve marriage with petitioner against permanent alimony of Rs. 20 Lakhs.

6. Bank detail of Opposite Party No. 2 (Name- Guriya Kumari, A/C- 41840908645, IFSC- SBIN0003499, Branch- State Bank of India, Rajgir) supplied to petitioner namely, Sushil Kumar Kashyap, who has appeared in person before this Court, for compliance.

7. Considering the aforesaid facts and circumstances as, both parties appear to settle their dispute amicably to dissolve their marriage by way of mutual divorce against the permanent alimony of Rs. 20 Lakhs, the above named petitioner, in the event of his



arrest or surrender before learned trial court within a period of eight weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda/concerned Court, where the case is pending in connection with Giriak/Pawapuri Case No. 283 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with further conditions:-

“(i) Petitioner shall pay Rs. 5,000/- as an ad-interim maintenance to O.P. No. 2/wife on or before 7th day of English calendar month till dissolution of marriage by way of mutual divorce or payment of Rs. 20 Lakhs, whichever is earlier.

(ii) Payment of first installment of Rs. 5 Lakh and ad-interim maintenance of Rs. 5,000/- for the month of March be made at the time of furnishing bail bond to O.P. No. 2/wife through bank draft payable to O.P. No.2.



(iii) If petitioner fails to pay
Rs. 5,000/- as an ad-interim
maintenance for three consecutive
months, the bail bond of petitioner
shall be cancelled by the learned trial
court, itself, if pressed by O.P. No.
2/wife."

(Chandra Shekhar Jha, J)

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