

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27398 of 2023**

**In
CRIMINAL MISCELLANEOUS No.48940 of 2016**

Arising Out of PS. Case No.-111 Year-2016 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Mukesh Kumar Son Of Shri Nand Kishore Yadav Resident Of Village -
Rajganj, P.O. And P.S. - Bihariganj, Distt. - Madhepura

... .. Petitioner

Versus

1. The State Of Bihar
 2. Manisha Kumari, Wife Of Mukesh Kumar, Resident Of Village Rajganj,
PO And Police Station Bihariganj, District Madhepura, Presently D/O Sri
Vijendra Yadav, Resident Of Madhepura Ward No.2, Anand Bihar Mohalla,
Police Station And District Madhepura. Opposite Parties
- =====

Appearance :

For the Petitioner	:	Mr.Vivek Kumar, Advocate
For the Opposite Parties	:	Mr.Arun Kumar Singh, A.P.P. Mr. Patanjali Rishi, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

11 17-01-2025 Heard learned counsel for the petitioner and the State.

2. This application has been filed to recall the order dated 27.03.2019 passed in Cr. Misc. No. 14746/2019 as well as to confirm the provisional anticipatory bail granted to the petitioner. Said order reads as follows:-

“Heard the learned counsel for the petitioner.

Earlier prayer for anticipatory bail of the petitioner was disposed off by this Court by order dated 01.05.2017 passed in Cr. Misc. No. 48940/2016, in which it was observed if both the parties are not ready to live together, the Court below will try for one time settlement provided both sides agree on the terms and conditions of one time settlement.

Learned counsel for the petitioner has submitted that in terms of the aforesaid order dated 01.05.2017, one time settlement was arrived at between the parties. Petitioner has already made payment of Rs. 7 lacs out of Rs. 10 lacs. The petitioner will pay rest amount, i.e. Rs. 3 lacs after filing of



divorce case under Section 13(B) of the Hindu Marriage Act. The petitioner has been released on provisional bail in compliance of order dated 01.05.2017 passed in Cr. Misc. No. 48940/2016.

The order dated 01.05.2017 is modified with direction to the court below that in the event one time settlement has been arrived at between the parties and petitioner has already made payment of Rs. 7 lacs, the provisional bail granted to the petitioner will be confirmed.”

3. Learned counsel for the petitioner submits that vide order dated 27.03.2019, the aforesaid Cr. Misc. No. 14746/2019 was disposed of with a direction to the learned court below that the petitioner will pay rest amount, i.e. Rs. 3 lacs after filing of divorce case under Section 13(B) of the Hindu Marriage Act. Court had further directed that in the event one time settlement has been arrived at between the parties and petitioner has already made payment of Rs. 7 lacs, the provisional bail granted to the petitioner will be confirmed. He submits that Opp. Party No.2 is not ready for filing of divorce case u/s 13(B) of the Hindu Marriage Act even after taking the amount as stated above and under the circumstances, the provisional anticipatory bail granted to the petitioner by this Court is not being confirmed.

4. Learned counsel for opposite party no.2 opposes the prayer of the petitioner. He submits that provisional bail granted to the petitioner has already been cancelled, as such, there is no question of confirming the provisional bail.



Secondly, opposite party no.2 had not been heard while hearing the matter and passing order dated 27.3.2019.

5. Considering the *bona fide* conduct of the petitioner that pursuant to the agreement reached between the parties, petitioner has already paid the amount indicated above to opposite party no.2, provisional bail granted to the petitioner is hereby confirmed.

Shashi

(Prabhat Kumar Singh, J)

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