

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62163 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

Rakesh Kumar Son of Naresh Choudhary village- Rasulpur, P.S-Rohtas,
District-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Kumari Wife of Rakesh Kumar village- Barun Khemda, ward no-04, P.S- Barun, District-Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

10 11-08-2025 Heard learned counsel for the petitioner, learned
counsel for the Opposite Party No. 2 and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 125 of 2024 for the offences punishable under Sections 341, 323, 379, 498A, 504 and 506 of the Indian Penal Code and Section 3/4 of the D.P. Act.

3. The case is under Section 498A and the petitioner is the husband. The matter had been sent to the Patna High Court Mediation Center for an amicable settlement of disputes between the parties. The earlier Mediation Report had been sent to this Court stating that the mediation had failed, although, there was a specific submission made on behalf of the petitioner that payment of a total of



Rs. 2,50,000/- (Rs. Two lakhs fifty thousand) was made to the Opposite Party No. 2 by way of a cheque which was also subsequently credited into her account and all the relevant documents have been brought on record by way of supplementary affidavit. By the previous order dated 22.07.2025, a report had been called for from the concerned Mediator with regard to the mediating process, pursuant to which, a Mediation Report has been sent to this Court indicating that Mediation Proceeding No. 1781 of 2024, the Opposite Party No. 2 had received a cheque of Rs. 2,50,000/- and all the furniture and utensils were also received by her in addition. Thereafter, she did not appear before the Mediation Center, as recorded in the report given by learned Mediator dated 08.08.2025 and on account of her non-appearance on the last four dates, he had sent the report dated 30.06.2025 as a failure of mediation. It is also pointed out by the learned counsel for the petitioner that in a maintenance case, an amount of Rs. 5,000/- per month has been fixed as a final maintenance amount which is already a subject-matter of challenge before this Court. It goes without saying that the petitioner would take the ground of his payment of the settlement amount in the said application.

4. Learned counsel appearing on behalf of the Opposite Party No. 2 does not dispute the fact that the Opposite Party No. 2 has already received the one time settlement amount in addition to the other articles.



5. This Court takes a serious view of the dubious conduct of the O.P. No. 2 of non-appearance for signature despite entering into an agreement and after receiving the entire amount and other articles. In any view of the matter, considering the entire facts and circumstances and also considering the Mediation Report of payment of the entire money and articles, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Aurangabad in connection Complaint Case No. 125 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S., 2023.

6. The learned Court concerned would, however, take steps to procure the attendance of the Opposite Party No. 2, in view of the fact that she had entered into a mutual agreement and has also received the one time settlement amount from the petitioner and the learned Court concerned would also take steps to bring the present case to its logical conclusion in view thereof.

(Soni Shrivastava, J.)

Jyoti Kumari/-

U		T	
---	--	---	--

