

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89892 of 2024

Arising Out of PS. Case No.-1335 Year-2023 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Md. Rafi Son of Chand Ahmad Resident of Village- Bairiya Police Station-
Muzaffarpur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sana Praveen wife of Md. Rafi Mohalla- Moulana mazharul Haque Colony,
PS- town, Dist- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Smita Kumari, Advocate
For the State	:	Md. Aslam Ansari, APP
For the O.P. No.2	:	Md. Anjum Akhter, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 11-08-2025 Heard learned counsel for the petitioner, learned

counsel for the opposite party no.2 and learned APP for the

State.

2. The case is one under Section 498A of the Indian

Penal Code and petitioner is the husband.

3. Earlier the matter had been sent to the Patna High

Court Mediation Center for amicable settlement of the dispute.

Now, the dispute has been resolved between the parties by a

memorandum of agreement dated 03.07.2025 passed in

Mediation Proceeding No.225 of 2025, which is tagged with the

case records. Parties have agreed to live separately and the

petitioner has offered to pay Rs.15,00,000.00 (Rupees Fifteen



Lacs) only as full and final settlement and the same has been accepted by opposite party no.2. It is also agreed that once the entire amount is paid to opposite party no.2, both the parties shall withdraw the cases filed against each other. It is also agreed that after the payment of the said amount, there would no claim in future and in the meantime they would take divorce/Talak by rituals of Muslim Law.

4. Learned counsel for the opposite party no.2 has no objection to the aforesaid terms and conditions.

5. Considering the above mentioned factum of settlement between the parties, let the above named petitioner, be released on **provisional bail**, upon payment of Rs.5,00,000.00 (Rupees Five Lacs) only, out of Rs.15,00,000.00 (Rupees Fifteen Lacs), to the opposite party no.2, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Complaint Case No.1335 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.



6. The learned Court concerned would accept the bail bonds furnished by the petitioner only upon production of proof of payment of Rs.5,00,000.00 (Rupees Five Lacs) only to the opposite party no.2. The remaining amount of Rs.10,00,000.00 (Rupees Ten Lacs) would be deposited in the Family Court, Siwan, where the maintenance case of opposite party no.2 is pending. Further, within a period of two months, both the parties would take effective steps and get all the cases withdrawn filed against each other and also get the divorce be effected between the parties. After the entire process having been done within a period of two months, Rs.10,00,000.00 (Rupees Ten Lacs), which has been deposited in the Family Court, Siwan, would be handed over to opposite party no.2 and, thereupon, the provisional bail of the petitioner shall be confirmed by the learned Court concerned.

7. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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