

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40754 of 2025**

Arising Out of PS. Case No.-1385 Year-2023 Thana- COMPLAINT CASE District- Araria

Rajeev Kumar Son of Birendra Bishwas Resident of Village - Gangaili, Ward No.- 6, Police Station - Jalalgarh, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi Wife of Rajeev Kumar Resident of Village - Gangaili, Ward No.- 6, Police Station - Jalalgarh, District - Purnea.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kishore Bharti  
For the Opposite Party/s : Mr. Indu Kumari Srivastava

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

3      18-06-2026                      Heard learned counsel for the petitioner and learned

A.P.P. for the State, however, none appears for the O.P. No. 2.

2. The petitioner apprehends arrest in connection with  
Complaint Case No. 1385(C) of 2023 registered for offences  
under Section 498(A) of the I.P.C.

3. As per the prosecution case, the petitioner is the  
husband of O.P. No. 2 and the dispute relates to the matrimonial  
discord between them.

4. Learned counsel for the petitioner submits that the  
petitioner is quite innocent and he has falsely been implicated in  
this case. Learned counsel submits that the parties have settled  
the dispute and the memorandum of agreement has been signed.

The memorandum of agreement reads as follows:-



*“Both the parties appeared in the Mediation Proceeding along with their Advocates and ready to resolve the dispute through the Mediation Proceeding on the following terms and conditions:-*

*1. That after great persuasion, both the parties agreed to live separately and for this, the petitioner (Rajeev Kumar) offered to pay Rs.3,00,000/- (Rupees Three Lakh Only) as full and final settlement amount to the O.P. No. 2 (Kiran Devi). O.P. No. 2 accepted the offer and gave her consent.*

*2. That the husband/petitioner agreed to pay the aforesaid settlement amount of Rs.3,00,000/- (Rupees Three Lakh Only) in three installment in following manner:-*

*(A) The petitioner (Rajeev Kumar) shall pay first installment of Rs.1,00,000/- (Rupees One Lakh Only) at the time of furnishing bail bonds before the learned Court below.*

*(B) The second installment of Rs.1,00,000/- (Rupees One Lakh Only) shall be paid at the time of filing of divorce petition u/s 13(B) of Hindu Marriage Act and withdrawal of present Case Araria Complaint Case No.1385 of 2023 before the concerned Court, Araria and withdrawal of Maintenance Case pending before appropriate Learned Court below.*

*(C) The third installment of Rs.1,00,000/- (Rupees One Lakh Only) shall be paid at the time of passing of order in the*



*aforesaid cases by the learned Court below.*

*The payment shall be made through Bank Draft/RTGS/ issued in the name of O.P. No. 2, namely, Kiran Devi.*

*3. That both the parties have agreed to file, the mutual divorce petition in terms of Section 13(B) of the Hindu Marriage Act, before the learned Principal Judge, Family Court, Araria within two weeks after disposal of the Criminal Miscellaneous No.40754 of 2025.*

*4. That both the parties have further agreed to withdraw respective cases Civil/Criminal in nature filed against each other in the light of settlement of dispute soon after filing of the mutual divorce petition.*

*5. This settlement shall be full and final settlement and no party shall claim in future against each other, in any manner.*

*6. That both the parties agreed to file mutual consent divorce case u/s 13(B) of Hindu Marriage Act, 1955, before the learned Principal Judge, Family Court, Araria as mentioned above and after that both the parties are free to lead their life as per their own will.*

*7. That the above contents of the agreement have been read over and explained to us in Hindi which are/have fully understood and accepted there upon.*

*8. That in the above terms and conditions, the present settlement has been arrived at between the parties and both parties have signed in presence of their learned*



*counsels, who have also put their signature on this agreement.”*

5. In view of the above, the prayer for anticipatory bail is allowed.

6. Accordingly, let the petitioner, above-named, in the event of arrest or surrender within four weeks from today in the Court below, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) 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. 1385(C) of 2023, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

**(Sandeep Kumar, J)**

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