

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71921 of 2024

Arising Out of PS. Case No.-43 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Mithilesh Yadav @ Mithilesh Kumar Yadav @ Mithilesh Kumar So nof
Batahu Yadav Resident of Village - Mahuli, P.S. - Rosra, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meera Kumari Wife of Mithilesh Yadav, Daughter of Ramdev Yadav
Resident of Village - Pipra Tole - Chharpatti, P.S. - Hasanpur, District -
Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 09-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in
connection with Complaint Case No. 43 of 2021 registered for
the offence under Sections 498-A and 494 of the Indian Penal
Code and under Section 3/4 of the D.P. Act.

3. As per the prosecution case, the petitioner is
said to have assaulted the victim.

4. It has been submitted by the learned counsel for
the petitioner that the petitioner is innocent and he has falsely
been implicated in this case. He further submits that the
petitioner and the opposite party no. 02 have settled their



disputes and the memorandum of agreement has also been filed which reads as under:-

1. That after great persuasion both the parties agreed to live separately and for this the Petitioner (Mithilesh Yadav Mithilesh Kumar Yadav @Mithilesh Kumar) offered to pay Rs.5,00,000/-(Rupees Five Lakh Only) as full and final settlement amount to the Opposite Party No.2 (Meera Kumari). Opposite Party No.2 accepted the offer and gave her consent.

2. That the husband/petitioner agreed to pay the aforesaid settlement amount in the sum of Rs.5,00,000/-(Rupees Five Lakh Only) in seven instalments in following manner:-

(A) The Petitioner (Mithilesh Yadav Mithilesh Kumar Yadav @ Mithilesh Kumar) shall pay first instalment of Rs.1,00,000/- (Rupees One Lakh) at the time of furnishing bail bond in the concerned Court. the payment shall be made through Bank Draft in the name of opposite party No. 2 (Meera Kumari), 2nd instalment of Rs. 1,00,000/-(Rupees One Lakh) at the time filing and first appearing of joint mutual divorce petition before the Ld. Principal Judge, Family Court, Samastipur. The payment shall be made through Bank Draft in the name of Opposite Party No.2 (Meera Kumari), third to sixth monthly instalments of Rs.50,000/- (Rupees Fifty Thousand) shall be paid to opposite party No. 2 by way of bank draft



on or before 15th of every month after filing and appearing of both the parties in mutual consent divorce case U/s 13(B) of Hindu Marriage Act before the Family Court, Smastipur. The last and final instalment of Rs.1,00,000/- (Rupees One Lakh) shall be paid to the Opposite Party No.2 on the date of final evidence and witness by both the parties in divorce case.

3. That after filing the mutual divorce case the Opposite Party No.2 will file a compromise petition before the Ld. Court below in connection with Samastipur Complaint Case No.43 of 2021 and both the parties will appear before the Ld. Court below for compounding the Complaint Case.

4. That the petitioner will do all the necessary formalities of making Aadhar Card of both the child which were born with the wedlock of the parties before the filing of first motion of divorce and same proof of Aadhar making is attached with divorce application.

5. 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 Principal Judge, Family Court, Samastipur with period of 30 days of furnishing bail bond.

6. 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.

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

8. That both the parties agreed to file mutual consent divorce case under section 13 (B) of Hindu Marriage Act, 1955, before Principal Judge, Family Court, Samastipur as mentioned above and after that both the parties are free to lead their life as per their own will.

9. 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.

10. 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. Considering the settlement between the parties, this application is allowed.

6. Let the petitioner, above named, in the event of his arrest, be released on anticipatory bail upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the jurisdictional investigating officer in connection with Samastipur Complaint Case No. 43 of 2021, subject to the conditions laid down in



Section 438(2) of the Code of Criminal Procedure, 1973 /
Section 482 of the BNSS

7. It is made clear that if the petitioner resiles from
the terms of agreement then the complainant will be at liberty to
approach this Court again by filing a bail cancellation
application.

(Sandeep Kumar, J)

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