

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83301 of 2025

Arising Out of PS. Case No.-17 Year-2025 Thana- MAHILA PS District- Gopalganj

Shivam Kumar Rai Son of Shri Shailendra Kumar Rai Resident of Village -
Jalalpur, P.S. - Kuchaikote, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Simran Devi D/o Shri Girindra Rai, Wife of Shivam Kumar Rai
Resident of Village - Kararia, P.S. - Gopalganj, District - Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the State	:	Mr. Ramesh Chandra, APP
For the O.P. No. 2	:	Mr. Shankar Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 06-07-2026 Heard the learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner apprehends arrest in connection with
Gopalganj Mahila P.S. Case No. 17 of 2025 registered for the
offence under Sections 126(2), 115(2), 85, 82(1), 351(2), 351
and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section ¾ of
the DP Act.

3. It is jointly submitted on behalf of the parties that
the dispute between them has been amicably settled and a
compromise has been arrived at.

4. A joint affidavit has been filed on behalf of the
parties, the relevant terms of which are as follows:



3. That the terms and conditions of the settlement mutually agreed upon by both parties are as follows:

(1) Full and Final Settlement Amount: The First Party (Husband) has agreed to pay a total sum of **Rs. 15,00,000/- (Rupees Fifteen Lakhs only)** to the Second Party (Wife) towards her permanent alimony, maintenance (past, present, and future), and stridhan.

(ii) Payment Schedule (Installments): The said amount of Rs. 15,00,000/- shall be paid by the First Party to the Second Party in the following installments via Demand Draft / Bank Transfer:

(a) 1st Installment: Rs. 5,00,000/- (Rupees Five Lakhs only) to be paid at the time of submission of bail bond in the present proceeding.

(b) 2nd Installment: Rs. 5,00,000/- (Rupees Five Lakhs only) to be paid at the time of admission of the Mutual Divorce Petition in the learned family court below.

(c) 3rd/Final Installment: Rs. 5,00,000/- (Rupees Five Lakhs only) to be paid at the time of final argument/recording of second motion statements in the Mutual Divorce Petition.

4. That both parties have explicitly agreed to withdraw all criminal and civil cases filed against each other and their respective family members.

5. That the Second Party (Wife) shall cooperate and take active steps to quash/withdraw cases, e.g., FIR / Maintenance pending before the learned court below.

6. That the First Party (Husband) shall withdraw cases e.g., Restitution of Conjugal Rights pending before the learned court below.

7. That both the parties have agreed to dissolve their marriage by filing a joint petition for divorce by mutual consent under Section 13B



of the Hindu Marriage Act, 1955 before the learned Family Court below within 45 days from today.

8. That after the payment of the entire settlement amount of Rs. 15 Lakhs, neither party shall have any remaining claims (movable or immovable property) against each other or their respective family members in the future.
9. That both parties undertake to strictly abide by the terms and conditions mentioned in this affidavit. In case of any default by either party, the aggrieved party shall have the right to initiate appropriate legal proceedings.”

5. Considering the aforesaid facts and circumstances of the case and the compromise arrived at between the parties, this Court is inclined to grant the petitioner interim/provisional anticipatory bail.

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 ***Interim/Provisional Anticipatory Bail*** 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 Gopalganj Mahila P.S. Case No. 17 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS and with further conditions that:-

- (I). *At the time of furnishing bail bonds, the petitioner shall deposit the first installment of Rs. 5,00,000/- (Rupees*



Five Lakhs only) in the Court below, which shall be released in favour of the Opposite Party No. 2.

(ii). The remaining installments shall be paid as per the settlement terms, and upon payment of the third and final installment, the interim/provisional bail shall be confirmed by the Court below.

(iii). The petitioner shall return the furniture belonging to the Opposite Party No. 2 through Movers and Packers and the Opposite Party No. 2 shall submit the receipt before the Court below.

7. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Sandeep Kumar, J)

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