

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3902 of 2020

Arising Out of PS. Case No.-137 Year-2018 Thana- CHANDRADIP District- Jamui

RAJESH YADAV S/o Dhuri Yadav R/o village- Chhatiyani, P.S.-
Chandradeep, Distt.- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Minta Devi W/o Rajesh Yadav, D/o Ramdeo Yadav R/o village-
Pagambarpur, P.S.- Tirari, Distt.- Shekhpura

... .. Opposite Party/s

Appearance :

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| For the Petitioner/s | : | Mr.Pankaj Kumar Sinha, Adv. |
| For the OP No. 2 | : | Mr. Ram Parvesh Kumar, Adv. |
| For the State | : | Mr. Ashok Kumar, APP |

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 23-12-2020 Heard the learned counsel for the petitioner,
Sri Ram Parvesh Kumar, the learned counsel for
the informant and Sri Ashok Kumar, the learned
APP appearing for the State.

This is an application for grant of anticipatory
bail in connection with Chandradeep P.S. Case No.
137 of 2018 registered for the offence punishable
under Sections 323, 504, 120(B), 302, 379, 497(A)
of the Indian Penal Code and charge-sheet has
been submitted under Sections 498A/34 of the
Indian Penal Code.

This case was taken up for hearing on



26.11.2020 and the learned counsel for the petitioner as also the learned counsel for the opposite party no. 2 i.e. the informant of the present case and the wife of the petitioner herein have jointly informed this Court that the matter has been decided to be amicably settled in between the parties and the opposite party no. 2 is ready to accept a sum of Rs. 1,00,000/- from the petitioner herein by way of full and final settlement, subject to the parties withdrawing the respective criminal cases filed by them. In such view of the matter, the case was adjourned so as to enable the petitioner and the opposite party no. 2 to file appropriate affidavits in this regard.

The learned counsel for the petitioner, Sri Pankaj Kumar Sinha, Advocate, has referred to the supplementary affidavit filed by the petitioner herein, paragraphs no. 3 to 6 whereof are reproduced hereinbelow:-

"3. That the petitioner is ready to pay Rs. 1,00,000/- (one lac) to the informant Minta Devi for dissolving the



marriage in between the petitioner the
Rajesh Yadav and Minta Devi.

4. That the petitioner is also ready to
withdraw the complaint application
filed by his father.

5. That in future petitioner will never
claim any right over Minta Devi and
Minta Devi will also never claim any
maintenance or any type of claim for
matrimonial dispute in between
petitioner and Minta Devi (O.P.No. 2)
matrimonial relation is end or close.

6. That the petitioner is ready to
deposit the money as per direction of
Hon'ble High Court, at the time of
judgment of Chandradeep P.S.Case No.
137 /18 pending before the court of
ACJM Ist, Jamui or before the judgment
of trial court."

The learned counsel for the Opposite Party
No. 2, Sri Ram Parvesh Kumar, has also referred to
the supplementary affidavit filed on behalf of the



Opposite Party No. 2, paragraphs no. 2 to 6
whereof are reproduced hereinbelow:-

" 2. That in compliance of the order dated 26.11.2020 passed in the aforesaid case the O.P.No. 2 filed this supplementary affidavit and the O.P.No. 2 is willing to settle and end the dispute amongst them for a sum of Rupees 1 lac by the petitioner.

3. That it is relevant to mention here that the father of the petitioner has also lodged a complaint case against the O.P.No. 2 and their family members bearing complaint case no. 422 of 2017 in which cognizance has been taken and the O.P.No. 2 and their family are on bail.

4. That it is relevant to mention here that the petitioner has already solemnized the 2nd marriage with another girl.

5. That the O.P.No. 2 undertakes by



way of full and final settlement subject to the taking step to withdraw the case filed by the Opposite Party against the petitioner.

6. That it is relevant to mention here that the petitioner has also undertaken to withdraw the complaint case no. 422/2017 which was filed by the father of the petitioner, so that both the cases are withdrawn at the same time and the petitioner also taken steps to withdraw the complaint case no. 422/2017.

Having regard to the agreement reached in-between the parties i.e. in between the husband and the wife (petitioner and the Opposite Party No. 2) and taking into account the affidavits filed by them before this Court, this Court deems fit fit and proper to dispose of the present petition with the following directions:-

(i) The petitioner shall appear before the



learned court of A.C.J.M. 1st, Jamui in connection with Chandradeep P.S.Case No. 137 of 2018 within a period of four weeks from today and furnish a bank draft of a sum of Rs. 50,000/- in favour of the opposite Party No. 2, namely, Minta Devi, before the learned court below so that the same can be handed over to the Opposite party No. 2 as also shall furnish an undertaking that he and his father would cooperate and file appropriate affidavits before the appropriate courts for the purposes of withdrawing / putting an end to the complaint case lodged against the Opposite Party No. 2 and her family members bearing Complaint Case No. 422 of 2017.

(ii) The Opposite Party No. 2 shall file an undertaking before the learned court of A.C.J.M. 1st, Jamui in connection with Chandradeep P.S.Case No. 137 of 2018



that she would cooperate with the petitioner in getting the present case, filed against the petitioner and his family members wound up / closed.

(iii) The Opposite Party No. 2 shall not claim any maintenance or raise any matrimonial dispute in future.

(iv) The petitioner and the Opposite Party No. 2 shall take steps for dissolution of the marriage in between them.

(v) The balance amount of Rs. 50,000/- would be given by the petitioner by way of bank draft in favour of the Opposite Party no. 2, immediately, on the date, the present case i.e. Chandradeep P.S.Case No. 137 of 2018 is closed / withdrawn.

This Court further directs that in case of any disobedience or non-compliance of any part of the aforesaid conditions mentioned in (i) to (v), the



defaulting party would be liable to be
proceeded against in contempt.

It is needless to say that the petitioner herein,
upon appearing before the learned court of A.C.J.M.
1st, Jamui, in connection with Chandradeep
P.S.Case No. 137 of 2018, within a period of four
weeks from today and furnishing a bank draft of
Rs. 50,000/-, as aforesaid, as also submitting an
undertaking, as aforesaid, shall be granted the
privilege of provisional bail.

The present petition stands disposed of with
the aforesaid directions.

(Mohit Kumar Shah, J)

Ajay/-

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