

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3177 of 2015

Arising Out of PS.Case No. -771 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Nitin Kumar Son of Late Tarkeshwar Prasad Sinha resident of Mohalla -
New Area, South Bisar Tank, P.S. Civil Lines, District - Gaya

2. Bhawna Sinha Wife of Nitin Kumar resident of Mohalla - New Area,
South Bisar Tank, P.S. Civil Lines, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

2. Dr. Abhay Simba son of Late Dr. J.N. Verma resident of 440,
Anugrahpuri Colony, P.S. Rampur, District - Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Nath

For the Opposite Party/s : Mr. Rajesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

4 21-05-2015 Pursuant to an order of this Court dated 19.5.2015, the
petitioner no.1 and Opposite party no.2 are personally present.

The petitioners have filed this application seeking
anticipatory bail as they apprehend their arrest in connection with
Complaint Case no. 771 of 2013 disclosing offences under Section
406, 420 of the Indian Penal Code and section 17(2) of the Bihar
Apartment Ownership Act, 2006. It has been stated that
cognizance has, however, been taken under Section 17(2) of the
Bihar Apartment Ownership Act, 2006.

Petitioner no.2 has already been granted anticipatory bail
by an order dated 23.01.2015 passed in this case.

From the discussion in course of hearing of the present case, it has emerged that the dispute is mainly between the Builder and the allottee of flat in an apartment.. The petitioners are the builders, whereas Opposite party no.2 is the allottee of Flat Nos. 403 and 404 of Nand & Shubh Apartment at Gaya.

The parties, however, have decided to finally resolve their disputes in the following terms:-

- (1) In the light of the decree passed by the 4th Subordinate Judge, Gaya in Title Suit No. 133 of 2013, the petitioner No.1 shall get the Flat registered in the name of Opposite party no.2 on payment of Rs. 1,20,000/- and service tax as applicable as well as the registration fee, by tomorrow (22.5.2015) at Gaya.
- (2) The said amount of Rs. 1,20,000/- has been calculated by petitioner No.1 after adjusting the amount which the Opposite party no.2 was required to pay to him as part of the cost of the said Flat which was admittedly, payable to him.
- (3) If the Flat is registered in the name of

opposite party no.2 in terms of the proposal given by petitioner no.1 before this Court, the Opposite party no.2 will not further pursue the present Complaint Case No. 771 of 2013.

- (4) The parties will not pursue any matter instituted against each other in any court with respect to dispute arising out of the said Flat Nos. 403 and 404.

It has been informed that the Opposite party no.2 has filed another Rampur P.s. Case No. 91 of 2012 for the offences punishable under Sections 406,420,349,323,379,405 and 406/34 of the Indian Penal Code and complaint case has been filed by petitioner no.1 also against the Opposite party no.2.

The parties have stated that they were closely related to each other from much before and they will try to restore their relationship as existed earlier.

The petitioner no.1 shall take steps for withdrawal of Misc. Appeal which has filed against the decree passed by learned 4th Subordinate Judge, Gaya dated 21.7.2014 in Title Suit no. 133 of 2013.

In view of the fair stand taken by the parties, let

petitioner no. 1 above named in the event of his arrest/surrender within four weeks from today in the Court below be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Sri P.K. Jha, learned Judicial Magistrate Ist Class, Gaya in Complaint Case No. 771 of 2013(Trial No. 3027 of 2013), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J)

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