

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7341 of 2015

Arising Out of PS.Case No. -1851 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Ashok Kumar S/o Rudal Rai Resident of Village Dayatpur, P.S. Rajapakar, O.P. Baranti, District Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Praveen Kumar Mishra S/o Chandra Kishore Mishra Resident of Mohalla Hella Bazar, Hajipur, P.S. Hajipur Town, District Hajipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. A.M.P. Mehta (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 18-04-2016 Heard learned counsel for the petitioner and learned counsel appearing on behalf of opposite party No. 2 as well as Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 406, 420 of the Indian Penal Code and Section 138 of the N.I. Act.

The matter had been referred to the Mediation Centre for settlement of the dispute between the parties. The report of the learned Mediator itself indicates that parties have arrived at a settlement whereby the first installment of Rs. 3, 73, 000/- (Three Lacs Seventy Three Thousand) will be paid by the petitioner and, thereafter, the rest amount of Rs. 5, 27, 000/- (Five Lacs Twenty Seven Thousand) was required to be given to the opposite party No. 2 by the petitioner within three months from the date of first

payment in equal installments. The term of the compromise have been incorporated in the report of learned Mediator.

It is submitted by learned counsel for the petitioner that demand draft of two lacs and rupees one lac seventy three thousand in cash, amounting to rupees Rs. 3, 73, 000/- (Three Lacs Seventy Three Thousand), out of nine lacs, has already been paid to the opposite party No. 2 on 17th April, 2016 and the rest amount of Rs. 5, 27, 000/- (Five Lacs Twenty Seven Thousand) is to be paid within three months thereafter i.e., by 17th of July, 2016.

In view of the fact that the petitioner undertakes to make payment of the rest of the amount within the aforementioned period of three months, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Vaishali at Hajipur, in connection with Complaint Case No. 1851 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It is made clear that if the petitioner does not meet his part of the undertaking as stated before the learned Mediator, it shall be open to the opposite party No. 2, to approach the Court below or even this Court for modification/cancellation of this order.

In case the amount as agreed upon is paid, let opposite party
No. 2 shall meet his part of the undertaking and withdraw the case
filed against the petitioner.

(Anjana Mishra, J)

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