

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3094 of 2016

Arising Out of PS.Case No. -435 Year- 2012 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Santosh Kumar Son of Ram Babu Ray, resident of village- Agarpur, P.S.-
Lalganj, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Bhagwati Giri (Complainant) son of Late Rameshwar Giri, Prop. Ma
Interprises Dighi, P.O.- Dighikala, P.S.- Hajipur Sadar, District- Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. L.K. Tiwari
For the Complainant : Mr. Rakesh Kumar
For the State : Mr. U.L. Verma(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

10 20-06-2016 Heard learned counsel for the petitioner and learned counsel

for the complainant as well as learned Additional Public

Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections
418/406/504 of the Indian Penal Code.

It appears from the records of the case and the arguments
advanced that there was a sale transaction between the parties. The
tractor had been sold out by the complainant along with
agricultural implements and certain payments were received by
the complainant which according to the petitioner, is payment
towards the cost of tractor. However, the complainant states that
the payments which were received, were merely for the

agricultural implements/ attachments to the tractor. It thus appears that there is a mere difference with regard to the procedure/calculation method of the complainant with regard to the price of the tractor.

It is thus be advisable that the petitioner as well as the complainant negotiate and decide the issues which have led to the present dispute by means of process of mediation in the court below itself.

In the meanwhile, 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 Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with complaint Case No. C1-435/12, 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 co-operate in the mediation process in the Court below, it shall be open to the complainant to move the Court below or before this Court for cancellation/modification of the present order.

(Anjana Mishra, J)

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