

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26901 of 2016

Arising out of PS.Case No. -556 Year- 2015 Thana -GAYA KOTWALI District- GAYA

Shankar Prajapati, Son of Kishan Prajapati, resident of Village+ P.S. Sajanwa, District-Gorakhpur (U.P.).

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. Anupama Devi, Wife of Vikash Kumar, resident of K. P. Road, Chuna Gali, P.S. Kowali, District-Gaya.

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate and
Mr. Lakshmi Kant Sharma, Advocate.
For the State : Mr. Navin Kumar Pandey, A.P.P.
For the Informant : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-09-2016 A Vakalatnama has been filed on behalf of learned counsel for the informant in the present case.

Learned counsel for the petitioner is permitted to add the informant as opposite party no. 2 in course of the day.

Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in custody since 22.02.2016 in connection with Gaya Kotwali P.S. Case No. 556 of 2015 for the offences instituted under Section 420 of the IPC.

The prosecution story, in brief, is that on 28.12.2015 in the evening, unknown person came at the shop of the informant and being customer bought clothes and thereafter said that he has



to marry his sister. He is in very need of money. He will give entire gold in 1 ½ Lacs. The petitioner demanded money from the informant what he has and rest will give later on, in lieu of this, the petitioner will give gold and called behind the station at 5.00 P.M. and went behind and giving *Nakali* gold. After taking money went away and thereafter the informant got examined that gold by goldsmith which was found *Nakali*. All of a sudden, the informant phoned then he switched off his Mobile Phone. He told his name as Shankar Prajapati (petitioner), name of another was Mohan and there was a woman. His Mobile No. was 9069720258.

A joint compromise petition on behalf of the petitioner and the informant has been filed. The same may be kept on the record.

The terms and conditions entered into between both the parties are as follow:

- “1. That this application, by way of joint compromise petition, is being filed to arrive at compromise between the parties in the present case, arises out of Kotwali P.S. Case No. 556 of 2015, registered under Section 420 of IPC on the written complaint made by the informant.
2. That in course of hearing on this case on 30.08.2016, learned counsel for the petitioner, upon instruction, came out with the suggestion to compromise this case as the petitioner is ready to pay Rs. 1,50,000/- (Rupees One Lac Fifty Thousand Only) to the informant in three

instalments, which he will deposit before the court below within four months.

3. That in view of above offer, the informant hereby accept the proposal of compromise this case subject to the condition the informant returns/pay Rs. 1,50,000/-(Rupees One Lac Fifty Thousand Only) to him.
4. That it further stated and submitted that the informant, on the basis of above facts, undertakes to file petition before the court below under Section 320(2) of Cr. P.C. to compound this case after receipt of full amount of Rs. 1,50,000/- (Rupees One Lac Fifty Thousand Only).
5. That in view of above the petitioner may be directed to pay Rs. 1,50,000/-(Rupees One Lac Fifty Thousand Only) to the informant.
6. That in token of acceptance of all the terms of this agreement by the parties to the proceeding, the petitioner as well as informant alongwith their respective learned counsels have put their signature on the compromise petition.”

Since both the parties have already entered into the compromise, the petitioner at the time of furnishing bail bond shall deposit an amount of Rs. 50,000/-(Rupees Fifty Thousand) in the learned court below. Thereafter, the balance amount of Rs.1,00,000/(Rupees One Lac) shall be paid in two equal instalments within a period of four months.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on provisional bail for a period of four months from the date of his release on furnishing

bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya, in connection with Gaya Kotwali P.S. Case No. 556 of 2015.

Once, the entire amount is deposited by the petitioner within the stipulated period, the provisional bail granted to the petitioner shall be confirmed by the learned court below and the court shall proceed under Section 320(2) of Cr. P.C. so that the case come to the logical end in the interest of justice. The amount in question deposited by the petitioner will be released in favour of the informant by the learned court below after final order of compounding being passed by the learned court below.

With the aforesaid observations and directions, the present application is disposed of.

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(Sudhir Singh, J)