

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48116 of 2015

Arising Out of PS.Case No. -881 Year- 2014 Thana -BIHTA District- PATNA

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1. Shiv Dayal Paswan, son of Bhageran Paswan, resident of Village-
Dilawarpur, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadaw, Advocate

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 09-05-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 420, 468, 323, 506 of the Indian Penal Code and 138 of the Negotiable Instruments Act.

The prosecution case is that the petitioner paid Rs. 2,60,000/- through cheques in three installments to the informant and Rs.1,00,000/- in cash for transfer of the land, but land was not transferred. Ultimately the cheque of Rs. 3,60,000/- was given to the informant which got bounced, thereafter again Rs. 2,00,000/- was given, but the sale deed was not executed. Subsequently, two cheques Rs. 1,20,000/- and Rs. 80,000/- were issued, but the same also got bounced.

Though, vide order dated 05.11.2015, on the



joint prayer of the parties, the matter was referred to the Mediation Centre of State Legal Services Authority. The report of the Mediator dated 01.03.2016 reflects that the issue could not be resolved through process of mediation. However, it is submitted that now the issue has been settled between the parties. The petitioner agreed to make payment of Rs. 2,35,000/-, but ultimately the issue could not be resolved. Now, the petitioner is ready to make payment of the same.

Learned counsel for the informant does not deny the factum of settlement. The petitioner has produced a demand draft of Rs.50,000/- vide draft no. 001102 dated 07.05.2016 and he undertakes to make payment of balance amount in monthly installments of Rs.50,000/- for which the informant is not ready. Now, the petitioner is ready to make payment of balance amount in two monthly installments latest by 10th of July, 2016.

In view of the above stand of the parties, let the above named petitioner be released on provisional anticipatory bail for three months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna, in connection with Bihta P.S. Case No. 881 of

2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below if the petitioner will submit a Bank draft of Rs. 1,85,000/- before it in two installments by 10th of July, 2016 and the said draft will be released in favour of the informant by the learned court below.

Learned counsel for the petitioner has handed over the draft of Rs. 50,000/- to the learned counsel for the informant, who is ready to acknowledge the same on record

The counsel for the informant undertakes to handover to the informant.

(Dinesh Kumar Singh, J)

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