

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5444 of 2017

Arising Out of PS.Case No. -429 Year- 2016 Thana -BIHTA District- PATNA

=====

Shashi Bhushan Paswan @ Akalu Paswan, aged about 42 yrs, son of Late Karmu Paswan, Resident of Village- Kanhauri, Police Station- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Deokant, son of Late Kapildeo Das, Permanent Resident of Village & P.O.- Khajurar, P.S.- Bhadaur, District- Patna whereas at present- C/o- Sri Nawal Kishor Das, Resident of Village- Hathidah Deeh, P.O. & P.S.- Hathidah, District- Patna.
3. Shyam Kumar son of Late Raghubir Das, Resident of Village (Mohalla)- Modan Gachhi Mokama, P.O. & Police Station- Mokama, District- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Birendra Sharma, Advocate.

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8 12-07-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Bihta P.S. Case No. 429 of 2016 instituted for the offence under Sections 406 and 420 of the Indian Penal Code.

The matter was referred to the Mediation Centre and the report of the Mediator has been received.

From the report of the Mediator, it appears that parties have settled the dispute. The petitioner was ready to make payment of Rs.4,00,000/- in installment as agreed between the parties. The first installment of Rs.30,000/- was to be paid on 1.7.2017.



The learned counsel for the opposite party No. 2 has submitted that payment of 1st installment has not been made by the petitioner till date.

Learned counsel for the petitioner has submitted that he will make payment of 1st installment within a period of one week.

In such circumstances, the application is disposed off with a direction to the petitioner to surrender before the court below within a period of three weeks along with receipt showing payment of Rs.30,000/- as first installment to the informant and in that event the court below will enlarge the petitioner on provisional anticipatory bail in connection with Bihta P.S. Case No. 429 of 2016, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

The petitioner is directed to deposit remaining dues amount



every month in installment of Rs.30,000/-. The installment will be payable by 15th of every month and after making full payment of the dues amount of Rs.4,00,000/- in terms of the agreement before the Mediation Centre, the provisional bail granted to the petitioner will be confirmed by the court below.

It is made clear that if the petitioner does not surrender before the court below with receipt showing payment of first installment of Rs.30,000/- within a period of three weeks or the petitioner commits default in making payment of single installment, the court below will be at liberty to pass appropriate order including cancellation of provisional anticipatory bail granted to the petitioner.

As per Mediator's report it has been agreed between the parties that after making full payment of Rs.4,00,000/- by the petitioner to the informant, the informant will withdraw the instant case. In compliance of the aforesaid agreement entered into between the parties, the informant will withdraw the criminal case after making full payment.

S.Ali/-

(Sanjay Priya, J)

U		T	
---	--	---	--

