

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37667 of 2017

Arising Out of PS.Case No. -143 Year- 2016 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Krishna Sahani Son of Janak Sahni, R/o Village- Madhubani, P.S.-
Sangrampur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 19-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Sangrampur P.S.
Case No. 143 of 2016 instituted for the offence under Sections-
406, 418 & other minor Sections of the Indian Penal Code.

It has been submitted that the matter was sent to
Mediation Centre for making efforts for amicable settlement. The
memorandum of agreement has been enclosed at flag "A". It is
stated in aforesaid agreement that the petitioner has executed sale
deed with regard to different land in favour of the informant and
both parties have agreed to withdraw the case after getting
possession of the land.

Counsel for the petitioner has submitted that possession will
be given in the month of March, 2018.



In such circumstances, the petitioner is directed to surrender in the court below along with affidavit mentioning the aforesaid fact and also enclosing memorandum of agreement entered into between the parties in Mediation Centre within four weeks from the date of receipt of the copy of the order and in that event, the court below will enlarge the petitioner on anticipatory bail provisionally for a period of six months in Sangrampur P.S. Case No. 143 of 2016 to its own satisfaction subject to condition as laid down u/S 438(2) of the 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 petitioners. The agreement will form part of the affidavit filed by the petitioner.

In the event, the petitioner does not give possession of the land in question till March, 2018, the court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional bail granted to the petitioner.



It is made clear that in the event, the petitioner gives possession of the land in question to the informant, the court below will confirm the provisional anticipatory bail of the petitioner.

(Sanjay Priya, J)

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