

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35378 of 2016

Arising Out of PS.Case No. -230 Year- 2016 Thana -KANKARBAGH District- PATNA

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1. Archana Kumari Wife of Sri Manoj Kumar Resident of Flat No. 207,
Gyan Apartment R.N. Singh Road Kankarbagh, P.S. Kankarbagh, District -
Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 28-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
05.06.2016 in connection with Kankarbagh P.S. Case No. 230 of
2016 for offences punishable under Sections 406, 420/34 of the
Indian Penal Code and Section 138 of the Negotiable Instrument
Act.

The prosecution case is that there was certain money
transactions between the parties for certain proposals and the
petitioner failed to honour the said commitment. On 20.10.2016
the petitioner was granted provisional bail so that the matter could
be settled before the Mediation and Conciliation Centre of the



Bihar State Legal Services Authority, Patna High Court, Patna. The parties went before the mediation centre but no settlement could be reached. Again on 13.04.2017 the parties were relegated for a second time to the mediation centre to appear and settle the dispute.

It has been informed by the learned counsel for the petitioner that now the settlement has been reached between the parties and the entire amount of Rs. 12 lakhs has to be paid by the petitioner to the informant and a cheque of Rs. 2 lakh has been issued and duly accepted by the informant by cheque dated 05.08.2017. As per the agreement remaining amount of Rs. 10 lakhs has to be paid within nine months and each installment will not be less than Rs. 2 lakhs.

The petitioner has filed a 3rd supplementary affidavit stating therein that the remaining amount of Rs. 10 lakhs as per the mediation settlement dated 21.08.2017 will be paid within nine months beginning from 10.07.2017.

Under such circumstances, when the settlement has been reached between the parties, provisional bail granted to the petitioner under order dated 20.10.2016 in connection with Kankarbagh P.S. Case No. 230/2016, pending in the court of



learned Judicial Magistrate 1st Class, Patna is hereby confirmed, subject to the condition that if the petitioner does not honour the agreement as reached between the parties before the Mediation and Conciliation Centre of the Patna High Court and if it is brought to the notice of the learned court below that the petitioner has failed as per the settlement, the bail bond of the petitioner will be liable to be cancelled.

Application stands disposed of.

(Nilu Agrawal, J)

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