

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27310 of 2016

Arising Out of PS.Case No. -396 Year- 2011 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

- =====
1. Chandra Shekhar Mishra Son of late Sudhakar Mishra
 2. Baibhu @ Babhu Mishra @ Baibhav Mishra Son of Subodh Mishra
Both resident of village- Patuwaha, P.S.- Saharsa, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Siya Devi W/o Sri Parmeshwari Yadav Resident of Village- Baluha PS
& Distt Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Roy, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

9 11-01-2017 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Petitioners apprehend their arrest in connection
with Complaint Case No. 396(C) of 2011 registered for offence
punishable under Sections 147, 323, 379 and 380 of the Indian
Penal Code.

The prosecution case, as lodged by the complainant
is that she and her husband were engaged to look after the
cultivation work of the petitioners since 1979 and in lieu
thereof, they had assured to execute sale deed of a piece of land
and for that purpose after selling her homestead land, she had



also given Rs. 1,80,000/- to the accused persons, but they neither executed the sale deed nor returned the money. It is further alleged that the accused persons also assaulted the complainant and her husband and looted away the house hold articles.

It has been submitted by the learned counsel for the petitioners that petitioner no.1 is a retired High School Teacher aged about 90 years and the petitioner no.2 is his grand son and have been falsely implicated, as there is long drawn rivalry between the petitioners' side and the complainant's side and both the sides lodged several criminal cases against each other and also civil cases are pending between them.

On the last occasion, learned counsel for the petitioners submitted that they are ready for compromise and as such by order dated 06.12.2016, the matter was fixed on 11.01.2017 at 4:00 P.M. in Chambers for appearance of petitioner no. 1 or petitioner no.2 or their representative or any other family members and the complainant. In pursuance to the said order, both sides have appeared in person along with their counsel.

Learned counsel for the petitioners submits that they are ready to pay a lump-sum amount of Rs. 2,00,000/- (two



lacs), which will be paid to the complainant within a period of one month from today.

Learned counsel for the opposite party no.2-complainant has no objection in accepting the said money, provided civil cases are allowed to proceed on its own merit.

Considering the facts and circumstances as also the submissions of the learned counsel for the petitioners and the complainant- opposite party no.2, let the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Complaint Case No. 396(C) of 2011, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

It is further submitted that the petitioners and the complainant will appear before the learned Court below on 13.02.2017 along with the demand draft of Rs. two lacs, which will be handed over to the complainant- opposite party no.2 by the petitioners. Failure to hand over demand draft of Rs. two lacs as per the agreement between the parties, this order will not



be given effect to.

Since both the parties have lodged criminal cases against each other, all the proceedings of the criminal cases lodged by the petitioners against the complainant- opposite party no.2 and her family members, bearing Complaint Case No. 1433 C of 2011 pending in the Court of learned Additional Chief Judicial Magistrate 1st, Saharsa, G.R. Case No. 2207 of 2011, arising out of Saharsa P.S. Case No. 619 of 2011 pending in the Court of learned Sub-Divisional Judicial Magistrate, Saharsa, Saharsa Sadar P.S. Case No. 270 of 2015 pending in the Court of learned Chief Judicial Magistrate, Saharsa and Saharsa Sadar P.S. Case No. 565 of 2015 pending in the Court of learned Chief Judicial Magistrate, Saharsa and by the complainant-opposite party no.2 against the petitioners bearing Saharsa Sadar P.S. Case No. 239 of 2011 pending in the Court of Sri Dharendra Kumar, learned Judicial Magistrate 1st Class, Saharsa, Saharsa Sadar P.S. Case No. 473 of 2011 pending in the Court of learned Sub-Divisional Judicial Magistrate, Saharsa, Saharsa Sadar P.S. Case No. 505 of 2011 pending in the Court of learned Chief Judicial Magistrate, Saharsa and Complaint Case No. 396 (C) of 2011 pending in the Court of Sri Manish Kumar, learned Judicial, Magistrate 1st Class,



Saharsa are hereby quashed.

Let this order be sent through FAX by the Registry
of this Court to the learned Courts below where the aforesaid
criminal cases are pending.

(Nilu Agrawal, J.)

Arjun/-

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