

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42120 of 2017

Arising Out of PS.Case No. -612 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Suman Kumar Singh @ Suman Singh, Aged about 40 years, S/o late Prem Chandra Singh, resident of- Laxmipur Raxol P.S.- Raxol, P.S.- Kahuria, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sachin Kumar Singh, S/o Shambhu Nath Singh, aged about 36 years, R/o New Gopalpur, P.S. Nagar Motihari, District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Krishna Sinha, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

For the Opposite Party No.2: Mr. Patanjali Rishi, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 01-02-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Complaint Case No.612 of 2015** instituted for the offence under Section(s) 420 Indian Penal Code and Section 138 of the Negotiable Instruments Act.

Matter was sent to Mediation Centre where memorandum of agreement has been prepared between the parties, which is part of the report of the Mediator. According to the memorandum of agreement, the petitioner has agreed to pay rupees seven lac to the Opposite Party No.2 out of which he has



already paid rupees two lac five thousand by cheque dated 25.01.2018.

Counsel for the petitioner has submitted that remaining rupees four lac ninety five thousand has to be paid to the Opposite Party No.2 within a period of three months in four equal installments.

In such circumstances, this anticipatory bail application is disposed off with direction to the petitioner to surrender in the Court below (**Chief Judicial Magistrate, East Champaran**) in connection with **Complaint Case No.612 of 2015**, within a period of one month from the date of receipt of copy of this order along with valid receipt showing payment of first installment of balance amount i.e. Rupees four lac ninety five thousand along with Affidavit that he will pay the remaining amount as per memorandum of agreement within a period of three months and in that event, the Court below will release the petitioner on provisional anticipatory bail for three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount 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.

Provisional bail of the petitioner will be confirmed by the Court below after making full payment to the Opposite Party No.2 as per memorandum of agreement.

The petitioner is at liberty to make payment of even more amount than the scheduled, if so desired by him.

(Sanjay Priya, J)

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