IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6981 of 2017

Arising Out of PS. Case No.-26650 Year-2014 Thana- PATNA COMPLAINT CASE District- Patna

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Ram Shobhit Das, son of Late Sudama Das, Resident of Village- Baluachak, PS- Gaurichak and District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. Krishna Murari Gupta, S/o Hari Prasad Gupta, R/o Paschimi Patel Nagar, Dr. V. Bhattacharya Road, Nandini Path, P.S.- Shastrinagar, District- Patna.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajeet Kumar
For the Opposite Party/s : Mr. Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

8 13-02-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehends his arrest in complaint case no. 26650 (C) of 2014 instituted for the offence under Section(s) 406,420,467,468, 471 and 504 of the Indian Penal Code.

As per the report of the Mediator the matter has been settled between the parties in the Mediation Centre, Patna High Court and the memorandum of agreement is enclosed with the report of the Mediator.

Learned counsel for the petitioner has submitted that he is ready to execute the sale deed with respect to the land in favour

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of the opposite party no.2. But none appeared on behalf of the opposite party no.2.

In the memorandum of agreement, it is mentioned that the petitioner is ready to execute the sale deed in favour of the opposite party no.2 by 25th of March. Opposite party no.2 is also ready to transfer the land by 25th of March. Both the parties are ready to register the land to each other on the same date.

In such circumstances, this anticipatory bail petition is disposed off with direction to petitioner to surrender in the Court below i.e. Judicial Magistrate 1st Class, Patna, within eight weeks from the date of receipt of the copy of this order in connection with complaint case no. 26650 of 2014 along with the copy of the memorandum of agreement reached between the parties in the Mediation Centre and also an affidavit that he will comply with the memorandum of agreement entered into between the parties and in that event the court below will release the petitioner on provisional anticipatory bail to its own satisfaction for a period of six months, 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

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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.

Thereafter both the parties will comply with the terms and conditions of the memorandum of agreement reached between the parties and in that event the court below will confirm the provisional anticipatory bail of the petitioner after six months.

(Sanjay Priya, J)

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