

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44032 of 2017

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

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Rajesh Kumar Singh, aged about 42 years, S/o Late Prem Chandra Singh @
Ram Chandra Singh, Resident of Baripur Bariya, P.S.- Ramgandwa, Dist-
East Champaran.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Sinha, Advocate.
For the opposite party No.2 : Mr. Jitendra Kumar Singh, Advocate.
Mr. Patanjali Rishi, Advocate.
For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 02-02-2018 Heard learned counsel for the petitioner, learned

counsel for the opposite party No. 2 and learned counsel for the

State.

The petitioner apprehends his arrest in **Complaint**
Case No. 612 of 2015 instituted for the offence under Section 138
of N.I. Act and Section 420 of the Indian Penal Code.

It has been submitted that matter was referred to Patna
High Court Mediation Centre where the dispute between the
parties has been amicably settled and Memorandum of Agreement
has been prepared between both parties which is part of the report
of the Mediator. According to the Memorandum of Agreement,



the petitioner has paid an amount of Rs.2,05,000/- to the complainant and the rest amount of Rs.4,95,000/- is payable by the petitioner to the complainant in four installments within a period of three months.

Learned counsel for the complainant has appeared and submitted that earlier Cr. Misc. 42120 of 2017 arising out of the same P.S. Case with respect to another petitioner was disposed off by this Court on 1.2.2018 on the basis of aforesaid Memorandum of Agreement.

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. Rs.4,95,000/- along with Affidavit that he will pay the remaining amount as per Memorandum of Agreement in four installment and in that event, the Court below will release the petitioner on provisional anticipatory bail for period of four months on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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 and in that event the provisional bail of the petitioner will be confirmed even before completion of four months after making payment of entire amount as ordered above.

(Sanjay Priya, J)

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