

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49915 of 2017

Arising Out of PS. Case No.-126 Year-2017 Thana- CHATOUNI District- East Champaran

Ram Sakal Chaudhary son of Sheopujan Chaudhary @ Sri Sheopujan Sahani
resident of Mohalla – Gopal Pur, P.S. Town, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. Sri Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 23-04-2018 Heard learned counsel for the petitioner, informant
and learned APP for the State.

Petitioner apprehends his arrest in Chhatauni P.S. case no.
126 of 2017 instituted for the offence under Section(s) 420/406
of the Indian Penal Code and Section 138 of the N.I. Act.

Mediator's report has been received. In terms of the
Mediator's report memorandum of agreement has been entered
into between the parties in Mediation Centre Patna High Court
from which it appears that both parties have agreed that a total
sum of Rs. 2, 75,000/- will be paid to the informant by the
petitioner in six installment(s) as mentioned in the memorandum
of agreement. Learned counsel for the petitioner submits that
petitioner may make payment of more amount also than shown
in the memorandum of agreement.



In such circumstances, the application is disposed off with a direction to the petitioner to surrender before the court below i.e. CJM Motihari East Champaran, in connection with Chhatauni P.S. case no. 126 of 2017 within a period of four weeks from the date of receipt/production of a copy of this order along with an affidavit that he will make payment of amounts in installments in terms of the memorandum of agreement entered into between the parties in the Patna High Court Mediation Centre and in that event the court below will release the petitioner on provisional anticipatory bail till 31.3.2019, 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.

Thereafter, the petitioner will make payment of the remaining amount(s) in installments in terms of the



memorandum of agreement entered into between the parties within the aforesaid period and thereafter the Court below will confirm the provisional anticipatory bail of the petitioner.

It is made clear that in the event the petitioner does not surrender with affidavit and in the event of default in making payment(s) in installments, the court below will be at liberty to pass appropriate order in accordance with law.

The application is disposed off.

(Sanjay Priya, J)

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