

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17260 of 2018

Arising Out of PS. Case No.-802 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Rahul Raj, son of S.P. Mehta @ late Shatrudhan Mehta, resident of Mohalla-
Mahavir Lane behind ground of Middle School, Musallahpur, P.S.
Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Md. Wahid Hussain son of late Navi Hassain resident of Dariyapur Darji
Tola, P.S.- Pirbahore, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sadanand Prasad Deo, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 23-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Complaint case no.
802(c) of 2016 instituted for the offence under Section(s) 420
of the Indian Penal Code and Section 138 of the N.I. Act.

The matter was earlier sent to the Mediation Centre Patna
High Court. The report of the Mediator has been received and
placed at Flag-‘B’, wherein , it is mentioned that dispute has
been amicably settled between the parties. The memorandum of
agreement is enclosed with the Mediator’s report.

Learned counsel for the petitioner has submitted that he
has already paid an amount of Rs. two lacs as first installment in



terms of the memorandum of agreement. He has further submitted that he will make payment of the remaining amount(s) in term of the memorandum of agreement in four equal installments by 15.12.2018 of Rs. 1,50,000/- each.

In such circumstances, the application is disposed off with a direction to the petitioner to surrender before the court below i.e. Sub Judge-XI-cum ACJM, Patna, in connection with Complaint case no. 802 (c) of 2016 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 the remaining amounts in four equal installments of Rs. 1,50,000/- each by 15.12.2018 in terms of the memorandum of agreement and in that event, the court below will release the petitioner on provisional anticipatory bail for 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 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.

After making payment of the entire amount as mentioned in the memorandum of agreement entered into between the parties, the court below will confirm the anticipatory bail of the petitioner.

It is made clear that petitioner will also enclose with the affidavit the copy of the memorandum of agreement entered into between the parties in the Mediation Center at the time of surrendering in the Court below.

The application is disposed off.

(Sanjay Priya, J)

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