

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13758 of 2017

Arising Out of PS.Case No. -282 Year- 2015 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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RAUSHAN KUMAR CHOUDHARY @ RAUSHAN CHAUDHARY @
RAUSHAN, son of Madan Choudhary, resident of village-Kushahari,
Chandoli (Pokharpar) P.S.-Tajpur, District- Samastipur, presently resented of
Room No.2, Damodar Apartment, Phool Para Road, Birar (East), Mumbai
(Maharashtra).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Iftexhar Mahmood, APP

Mr. Sudish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

10/ 12-02-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the informant.

Petitioner apprehends his arrest in **Giriyak P.S.**

Case No.282 of 2015 instituted for the offence under Section(s)

311, 406, 420, 467, 468, 120-B Indian Penal Code.

It has been submitted that matter was earlier referred
to Mediation Centre and the dispute between the parties has been
amicably settled.

Report of the Mediator is available at flag-‘A’. In
terms of the agreement between the parties, cheque of rupees
three lac dated 03.01.2018 and another cheque of rupees two lac
fifty thousand dated 02.02.2018 have been given by the petitioner



to the informant in the Mediation Centre itself as mentioned in the report of the Mediator.

Counsel for the informant has submitted that cheque of rupees three lac has already been cleared and the second cheque of rupees two lac fifty thousand has been deposited in the Bank, which is pending for clearance.

In such circumstances, this application is disposed off with direction to the petitioner to surrender in the Court below i.e. **Chief Judicial Magistrate, Nalanda**, in connection with **Giriyak P.S. Case No.282 of 2015**, within a period of four weeks from the date of receipt of the order along with valid proof showing that cheque of rupees two lac fifty thousand, which was given by him to informant, has been cleared from the Bank in favour of the informant, and in that event, the Court below will release the petitioner on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to its own satisfaction 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.

It is expected that Informant will withdraw the case as agreed in the memorandum of agreement after making payment of the entire amount by the petitioner in terms of the memorandum of agreement.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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