

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15047 of 2017

Arising Out of PS.Case No. -67 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Radha Devi @ Radha, wife of Sri Birbal Singh
2. Rajesh Kumar, son of Sri Birbal Singh
3. Upendra Singh @ Upendra, son of Sri Ram Lakhan Singh
All residents of village - Hetampur Bhadaee, Police Station - Tiyaar, District
- Bhojpur at Ara, at present - resident of Bhajanpura, Main Market Gali no.
10, House No. C - 265, Delhi, P.S. - Bhajanpura, District North East, Delhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Santosh Ojha, son of late Baldeo Ojha, resident of Village - Khaira
Bhudhar, Police Station - Bikramganj, District - Rohtas at Sasaram.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate.
For the opposite party No.2 : Mr. Om Prakash Upadhyay, Advocate.
For the State : Mr. Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 09-01-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Complaint**
Case No. 67 of 2014 instituted for the offence under Sections 420,
120B of the Indian Penal Code and Section 138 of Negotiable
Instrument Act.

It has been submitted that matter has been settled in
the Mediation Centre and the petitioners as per agreement, were
liable to make payment of Rs.5,00,000/- to the complainant by 3rd
January, 2018, in five equal installment. It has further been



submitted that petitioners till date have paid Rs.3,00,000/- and they will make payment of remaining amount of Rs.2,00,000/- by March, 2018.

Learned counsel for the opposite party No. 2 has appeared and submitted that he has no instruction that Rs.3,00,000/- has been paid to the complainant.

In such circumstances, this application is disposed off with a direction to the petitioners to surrender in the court below i.e. before the learned Sub Divisional Judicial Magistrate, Bikramganj, Rohtas, within a period of six weeks from the date of receipt/production of a copy of this order along with affidavit that they have made payment of Rs.3,00,000/- to the complainant and they will make payment of remaining amount of Rs.2,00,000/- by March, 2018, and in that event, the court below will release the petitioners on provisional anticipatory bail till March, 2018 in connection with **Complaint case No. 67 of 2014** 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) petitioners 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 their bail bond and (3) if petitioners tamper 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 petitioners.

After making payment of Rs.2,00,000/- to the complainant till March, 2018 and on producing valid receipt showing payment of the entire amount as per settlement arrived at in Mediation Centre of Patna High Court, the court below will confirm the provisional anticipatory bail of the petitioners.

It is made clear that in the event the petitioners make default in payment of Rs.2,00,000/- till March, 2018, or did not produce the valid receipt of payment of Rs.3,00,000/- to the complainant, as ordered above, the court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional anticipatory bail granted to the petitioner.

It is expected that after making full payment to the complainant, the complainant will withdraw the complaint case in terms of the settlement arrived at between petitioners and complainant in Mediation Centre of Patna High Court.

(Sanjay Priya, J)

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