

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61663 of 2017

Arising Out of PS.Case No. -18 Year- 2016 Thana -SACHIWALAYA District- PATNA

- =====
1. Pradeep Rai @ Pradip Kumar, s/o late Laldeo Rai, R/o Janta Road,
Gardanibagh Gautam Nagar, P.S.- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Vinay Kumar, son of Ramchandra Prasad, resident of L.F.6-, Block
No.4, Flat No.245, Bahadurpur Housng Colony, P.S.-Kanakrbagh,
District-Patna-20.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay, Advocate
For the Opposite Party/s : Smt Pushpa Sinha, APP
Mr. Sanjay Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 08-05-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

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

Case No.18 of 2016 instituted for the offence under Section(s)
420 Indian Penal Code and Section 138 of the Negotiable
Instruments Act.

Counsel for the petitioner has submitted that the
matter was sent to Mediation Centre where both the parties have
come to amicable settlement and it has been agreed that the
petitioner will make payment of Rs.2,50,000/- (two lac fifty
thousand) to the Informant-Opposite Party No.2.



Counsel for the Informant has admitted about arriving of such settlement between the parties.

Today, counsel for the petitioner has handed over Demand Draft of Rs.49,000/- (forty-nine thousand) bearing No.973425 dated 04.05.2018 prepared in the name of the Informant-Opposite Party No.2 to the counsel for the Informant, which has been received by the Informant himself, who has signed in the margin of the order-sheet in token of receipt of the same duly identified by the counsel for the Informant.

Counsel for the Petitioner has further submitted that he will make payment of balance amount i.e.Rs.2,01,000/- (Two lac one thousand) within a period of two months from the date of his release on bail.

In such circumstances, this application is disposed off with direction to the Petitioner to surrender before the Court below i.e. **Sub-Judge II, Patna**, in connection with **Sachivalaya P.S. Case No.18 of 2016** within a period of four weeks from the date of receipt of copy of this order along with Affidavit that he will make payment of the remaining amount within a period of two months from the date of his release and, in that event, the Court below will release the petitioner on provisional anticipatory bail for a period of two months 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 his 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.

During the period of provisional bail, petitioner will make payment of the remaining amount i.e. Rs.2,01,000/-, as agreed between the parties in the Mediation Centre, and on payment of entire amount provisional bail of the petitioner will be confirmed.

In the event, petitioner fails to make payment of the remaining amount, his bail bond will be cancelled.

Counsel for the petitioner has submitted that the informant has agreed to take appropriate steps for withdrawal of the case in the Court below after receiving the entire amount as agreed.



Counsel for the informant has submitted that his client will take appropriate steps in the Court below in accordance with law.

JA/-

(Sanjay Priya, J)

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