

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31261 of 2018

Arising Out of PS. Case No.-2292 Year-2016 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Md. Anwar Ali @ Md. Anwar Son of Md. Ali Resident of Mohalla- Naya
Kila, Adda No. 1, P.S. Siwan Town, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Amit Kumar Son of late Nag Narayan Prasad Resident of Mohalla- Kagzi
Mohalla, Daldari More, P.S. Siwan Town, District- Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Sri Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-07-2018 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the complainant.

Petitioner apprehends his arrest in complaint case no.
2292 of 2016 instituted for the offence under Section 406 of
the Indian Penal Code and Section 138 of the N.I. Act.

Learned counsel for the petitioner has submitted that
matter was earlier sent to the Patna High Court Mediation and
Conciliation Centre where memorandum of agreement has
been entered into between the parties. It is further submitted
that petitioner is ready to comply the condition of the
memorandum of agreement.

Learned counsel for the complainant is also agreed to



the terms of the memorandum of agreement arrived at between the parties. He has further submitted that if petitioner fails to make payment of a single installment in terms of the memorandum of agreement then his bail bond will be liable to be cancelled.

It is mentioned in the memorandum of agreement that the sixth and last installment of payment will payable by 20.01.2020. The complainant will be at liberty to move for cancellation of anticipatory bail if the petitioner makes default in making payment of single installment as mentioned in the memorandum of agreement entered into between the parties and for not making full payment by 20.1.2020.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with in Complaint case No. 2292 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the J.M. 1st Class, Siwan, 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 made clear that after making full payment as per the terms of memorandum of agreement the complainant will take appropriate steps for withdrawal of the case.

(Sanjay Priya, J)

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