

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20063 of 2018

Arising Out of PS.Case No. -1149 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Nand Kumar Verma, S/o Late Nawal Kishore Verma,
 2. Nilu Verma Wrongly named as Nelu Prabha Rani in the Complaint, D/o Nand Kumar Verma, Both R/o Mohalla- North Park Road, P.s.- Kadamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Pushpa Devi W/o Late Tuntun Prasad, R/o Bakerganj Daldali Road, P.S.- Kadamkuan, District- Patna.

.... Opposite Party/s

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With

Criminal Miscellaneous No.20191 of 2018

Arising Out of PS.Case No. -1149 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Agnes Selina Mandal, Wife of Nand Kumar Mandal, D/o Nawal Kishore Verma, Resident of Mohalla-North Park Road, P.S.-Kadamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Pushpa Devi W/o Late Tuntun Prasad, Resident of Bakerganj Daldali Road, P.S.-Kadamkuan, District-Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.20063 of 2018)

For the Petitioners : Mr. Amit Kumar, Advocate
: Mr. Mukund Kumar, Advocate
For the State : Mr. J. N. Thakur, APP
For O.P. No. 2 : Mrs. Nivedita Nirvikar, Advocate
Mr. Manoj Kumar, Advocate

(In Cr.Misc. No.20191 of 2018)

For the Petitioner : Mr. Amit Kumar, Advocate
: Mr. Mukund Kumar, Advocate
For the State : Mr. J. N. Thakur, APP
For O.P. No. 2 : Mrs. Nivedita Nirvikar, Advocate
Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 11-05-2018

Heard learned counsel for the petitioners and



learned APP for the State.

The petitioners are apprehending their arrest in a complaint case, wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The complainant Pushpa Devi filed Complaint Case No. 1149(C) of 2016 in the Court of learned Chief Judicial Magistrate, Patna on 08.04.2016 alleging therein that the complainant was the tenant in the house of the petitioners in the year 2000, thereafter the complainant purchased a small house at Daldali Road which was near the house of the accused persons. The complainant gave Rs. 23,50,000/- between 23.08.2014 to 12.01.2015 to the accused persons for the purposes of the medical treatment and marriage of accused side. When the complainant demanded the loan amount, the accused persons issued 18 cheques drawn on State Bank of India but those cheques got dishonoured due to insufficient funds. The complainant informed the accused persons about the same but they flatly refused to return the amount and thereafter a legal notice was given and ultimately the complaint case was filed. On examining the complainant on S.A. and recording statement of the enquiry witnesses, the



cognizance was taken.

Though, in the bail application a plea has been taken that the cheques were issued on gun point, since the complainant was a tenant in the house of the petitioners. But it appears that on the joint prayers of the parties vide order dated 09.04.2018 the matter was referred to the Mediation Centre of the Bihar State Legal Services Authority. The report of the Mediator dated 10.05.2018 at Flag 'A' reflects that the issue has been resolved and the accused persons have agreed to settle the dispute on payment of Rs.17,50,000/- by the accused persons to the complainant within eight months, on or before 31.01.2019 by way of monthly installments. First installment was of Rs.3,00,000/- and the remaining monthly installment would be Rs.2,00,000/-, whereupon the parties will file appropriate application in the complaint case before the learned Court below with regard to the fact of the dispute having been compromised, by way of mediation.

It is jointly submitted that the memorandum of agreement was prepared in pursuance to their instruction. However, the mode of payment with regard to the installment has been stipulated in Clause B and C, which suggest that total amount of Rs.17,00,000/- has to be returned, though, an amount



of Rs.17,50,000/- has to be returned to the complainant by the accused persons.

Considering the fact that the issue has been resolved through mediation, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna in connection with Complaint Case No. 1149(C) of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the present order along with the report of the mediator be transmitted to the learned Court below.

Either of the parties will be at liberty to approach before this Court in case of violation of terms of agreement of compromise.

(Dinesh Kumar Singh, J)

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