

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55681 of 2018

Arising Out of PS. Case No.-183 Year-2015 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Mohan Chand Upadhaya S/o Late Mosadi Upadhaya R/v - Ram Nagar,
Dhohadi, P.S. - Dhohadi, Distt. - Baliya U.P. at present Director/Proprietor of
Dimond Engicon Pvt. Ltd Second Floor, B - Block, Ram Lakhan Market,
Ram Lakhan Path, Road No. - 8, P.O. - Lohiya Nagar, P.S. - Kankarbagh,
Distt. - Patna.

... .. Petitioner.

Versus

1. The State Of Bihar.
2. Subhash Prasad Singh S/o Late Bindeshwari Singh R/o Vill Sabita Sadan,
Naya Bazar, Ward No. 3, Saharsa, P.S. Saharsa, Distt Saharsa.

... .. Opposite Parties.

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Appearance :

For the Petitioner : Mr. Vijay Kumar Sinha, Advocate.
For the State : Mr. A.M.P. Mehta, A.P.P.
For the opposite party no.2: Mr. Satish Kumar Singh, Advocate.
Mr. Dinesh Maharaj, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

15 27-09-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

opposite party no.2.

The petitioner apprehends his arrest in connection
with Complaint Case No.183(c) of 2015 registered under
Sections 420 and 406 of the Indian Penal Code, pending in the
court of the learned Judicial Magistrate, First Class, Saharsa.

Learned counsel for the opposite party no.2, in
presence of the learned counsel for the petitioner, submits that in
compliance of the order dated 03.07.2019 passed by a Bench of



this Court, the opposite party no.2 has already filed Title Suit No.308 of 2019 in the court of Sub Judge-I, Patna, for cancellation of agreement dated 25.08.2012 executed in between Ramawati Devi and the opposite party no.2 in which the petitioner was a witness, as such, the opposite party no.2 has no grievance in confirming the provisional bail as granted to the petitioner vide order dated 20.09.2018 passed by a Bench of this Court. He further submits that since the opposite party no.2 has already filed the aforesaid Title Suit, he may be permitted to withdraw the draft of Rs.21,25,000/-, as deposited in the Registry of this Court by the petitioner, in terms of the memorandum of agreement dated 15.05.2019, annexed with the supplementary affidavit filed on behalf of the petitioner on 03.07.2019. Later on, the remaining amount of Rs.63,75,000/- would be payable by the petitioner to the opposite party no.2 after disposal of the aforesaid Title Suit.

Learned counsel for the petitioner has not disputed the aforesaid submission, as raised by the learned counsel for the opposite party no.2.

Having considered the facts and the circumstances of the case, the provisional anticipatory bail as granted to the petitioner vide order dated 20.09.2018 passed by a Bench of this



Court is, hereby, confirmed.

Let the Registrar General, Patna High Court, Patna,
hand over the draft, as deposited by the petitioner in favour of
the opposite party no.2, to opposite party no.2 after due
verification.

(Rajendra Kumar Mishra, J)

P.S./-

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