

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57763 of 2018

Arising Out of PS. Case No.-8 Year-2016 Thana- CHAUSA District- Madhepura

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Amit Kumar, S/o Moti Kumar, resident of Village- Sapardah, P.S.- Puraini,
District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Zuver Alam, son of Md. Mohiuddin, R/O Village-Paina, P.S.-Chausa,
District-Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Ravindra Kumar, Advocate Mrs. Krishna Kumari, Advocate
For the State	:	Mr. Mithilesh Kumar Khare, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

10 19-06-2019 Heard learned counsel for the petitioner and the

learned counsel for the informant.

The present application for anticipatory bail is the second attempt by the present petitioner and has been considered only on account of the fact that earlier this Court had granted indulgence of pre-arrest bail, subject to the condition that the petitioner would be depositing 50% of the amount as alleged in the F.I.R.

Learned counsel for the petitioner submits that pursuant to the earlier order, the petitioner has deposited a sum of Rs.6.5 lacs and the same has been received by the opposite party. However, when the matter went for mediation, the



opposite party had adopted a very rigid stance and was not willing to budge an inch from his earlier stand though the petitioner had contended that he was willing to make the necessary calculations and whatever amount is due will be paid to him. This Court had earlier granted interim protection in this case as well so as to find out a via media so that the dispute can be resolved.

However, the stand of the opposite party as of date is that the earlier amount stated in the F.I.R. should be met by the present petitioner and no concession could be extended by the opposite party since the dispute was with regard to further payment of Rs.6.5 lacs and the opposite party would settle for nothing but to repay the same.

Learned counsel for the petitioner submits that in view of the said stance taken by the opposite party, he has no option as per the instructions received from his client but to contest the matter in the court and, therefore, in view of the fact that he has paid half of the amount alleged, he may be extended the protection as had been offered to him earlier as he had not misused the privilege granted to him.

Considering the entire gamut of circumstances and the nature of dispute which appears to have arisen from the business



transaction between the parties and that a substantial amount of the money has been paid by the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Udakishunganj, in connection with Chausa P.S. Case No.08 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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