

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62204 of 2018

Arising Out of PS. Case No.-318 Year-2016 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Sanjit Kumar, S/o Bimal Kumar Sahni, R/o Village- Daudpur Brahmpura, P.S.
Brahmpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rahul, Son of Late Nagendra Prasad Singh, Resident of Mohalla –
Hathichowk, Shankar Nagar, P.S. Mithanpura, District – Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Sri Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 29-03-2019 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 420/34 of
the Indian Penal Code.

The prosecution case, as per the written report of
Rahul dated 06.05.2016 submitted to the Station House Officer
of Town P.S. Muzaffarpur, is to the effect that the informant
entered into an agreement with the petitioner and co-accused
Mahesh Kumar for sale of 8 decimals of land appertaining to
Khata No. 830, Plot No. 287 situated in Circle Musahari,
thereafter, the informant paid Rs.Ten lakhs as consideration



amount to the petitioner and co-accused Mahesh Kumar through cash or cheque but neither the sale deed in respect of the land in question was executed nor did they return the money to the informant.

It appears that on the joint prayer of the parties, vide order dated 29.01.2019, the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator dated 22.02.2019 at Flag 'M' reflects that the issue has been resolved between the parties and it has been agreed between the parties that the petitioner will make payment of Rs.3,25,000/- to the informant, out of which, first installment of Rs.1,08,334/- shall be paid before 21st of March, 2019, second installment of Rs.1,08,333/- shall be paid before 21st of April, 2019 and third and last installment of Rs. 1,08,333/- shall be paid before 21st of May, 2019. The schedule of making the said payment has been mentioned in paragraph 2 of the agreement, which reads as follows:-

“2. That the First Installment of agreed amount of Rs.1,08,334/- (Rupees One Lakh Eight Thousand Three Hundred Thirty Four) shall be paid before 21st March, 2019, Second Installment of Rs.1,08,333/- (Rupees One Lakh Eight Thousand Three Hundred Thirty Three) shall be paid before 21st



of April, 2019 and Third Installment of Rs.1,08,333/- (Rupees One Lakh Eight Thousand Three Hundred Thirty Three) shall be paid before 21st May, 2019.

It is submitted by learned counsel for the petitioner that the first installment will be paid forthwith if it has not been paid till date.

Learned counsel for the informant does not dispute the factum of agreement arrived at between the parties.

In the circumstances, let the above named petitioner be released on anticipatory bail provisionally till 30th of May, 2019 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 318 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

In the meantime, the petitioner will make payment of all the agreed amount to the informant through bank draft as per the terms of the agreement.

The provisional bail will be confirmed by the learned Court below on payment of all agreed amount by the petitioner



to the informant.

Let the terms of agreement be also transmitted to the
learned Court below along a copy of this order.

(Dinesh Kumar Singh, J)

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