

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7687 of 2020

Arising Out of PS. Case No.-214 Year-2019 Thana- CHENARI District- Rohtas

SUBHASH SINGH Son of Late Khobhari Mahto Resident of Village-Kenar
Kala, Police Station- Chenari, District-Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Rajnikant Singh, Advocate

For the informant : Mr. Dhaneshwar Prasad Gupta, Advocate.

For the State : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-07-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through the video conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

When the matter was taken up yesterday, it was passed over on the request made by the counsel for the petitioner and the same is being taken up today for consideration.

Heard the parties.

Petitioner apprehend his arrest in connection with



Chenari P.S. Case no. 214 of 2019 instituted for the offence under Section(s) 406, 420 and 323 of the Indian Penal Code.

The crux of the allegation is that the petitioner has taken Rs. one lakh from the informant on the assurance of giving some paddy annually to the informant. It is alleged that neither the paddy is being given nor the amount is being returned and when the informant, who is a widow, has gone to assert her right she has been assaulted and abused.

Petitioner's counsel submits that the nature of allegation is, *prima facie*, proof of the fact that it is abuse of the process of the Court in respect of a civil dispute based on alleged agreement dated 03.05.2013, for which, the FIR has been lodged belatedly, i.e., on 31.08.2019.

Learned counsel for the informant and the State, on the other hand, submits that the informant is made to suffer unnecessary harassment as the petitioner is neither returning the amount nor giving the paddy as per the compromise.

Considering the rival submissions, petitioner is directed to surrender in the Court below i.e. ACJM IV, Sasaram, Dist. Rohtas, within a period of six weeks from today in connection with Chenari P.S. Case no. 214 of 2019. Upon his surrender, the Court below shall refer the parties to the



mediation while granting provisional bail to the petitioner, named above, for a period of three (03) months to its own satisfaction. The fruits of efforts in the mediation proceedings may be considered by the Court below to pass appropriate orders thereafter exercising its judicial discretion in accordance with law.

Application stands disposed off.

(Madhuresh Prasad, J)

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