

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21242 of 2020**

Arising Out of PS. Case No.-1814 Year-2016 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. ROSHAN KUMAR ROY Son of Late Dinesh Kumar Roy Resident of Village- Hariharpur, P.S.- Korha, District- Katihar.
 2. Sabita Devi Wife of Late Dinesh Kumar Roy Resident of Village- Hariharpur, P.S.- Korha, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Subrata Pal Son of Santosh Chandra Pal Resident of Mohallah- Colony No. -2, P.S.- Katihar, District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar
For the Opposite Party/s : Mr. Mrityunjay Kr. Gautam

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 08-07-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with complaint case no. CA 1814 of 2016 registered for the offences punishable under Sections 406, 420 of Indian Penal Code.

The allegation is regarding the petitioners herein having negotiated with the complainant to purchase 60 decimals of land at a price of Rs. 8 lacs, whereafter they had entered into an agreement dated 30.11.2015, whereupon the petitioners had accepted



a sum of Rs. 4.50 lacs as advance sale consideration and had agreed to execute the sale deed on or before 30.06.2016, upon receipt of balance sale consideration, however the petitioners had then refused to execute the sale deed and after much deliberations, the petitioner no. 1 had issued cheques worth Rs. 4 lacs, however upon presentation of the same in the Bank, the cheques were dishonoured.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that the allegations levelled in the complaint petition are purely in the nature of civil dispute and the remedy of the complainant lies before the competent court having civil jurisdiction. Nonetheless, it is submitted that the petitioners are not averse to the idea of entering into mediation with the complainant for settling the disputes in question.

Having regard to the facts and circumstances of the case and considering submissions made by the learned counsel for the parties, I deem it fit and appropriate to grant liberty to the petitioner to surrender before the learned court below within a period of four weeks from today, whereupon the learned court of J.M. 1st class, Katihar in connection with complaint case no. CA-1814 of 2016 shall grant provisional bail to the petitioners on the very same day, subject to such conditions as may be deemed fit and proper to be imposed by it and then, summon the complainant and engage the



petitioners and complainant of the present case in mediation proceedings with a view to settle the disputes amongst them amicably. It is further directed that upon receipt of the outcome of the mediation proceedings and upon independent application of mind, the learned court below shall take a final call with regard to either conforming the provisional bail to be granted to the petitioners herein or revoking the same, without being prejudiced by the earlier order passed by the learned court below rejecting the case of the petitioners for grant of anticipatory bail.

It is also directed that for a period of four weeks from today, no coercive steps shall be taken against the petitioners herein in connection with complaint case no. CA-1814 of 2016.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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