

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27660 of 2019

Arising Out of PS. Case No.-618 Year-2018 Thana- JAKKANPUR District- Patna

Md. Tauhid @ Md.Tauheed Alam (male) aged about 30 years son of Md. Majid Alam resident of New Millat Colony, Sector 2 near Church Gali, P. Phulwari Sharif, Dist.Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 18-02-2020 A supplementary affidavit has been filed on behalf of the petitioner. Let the same be kept on record.

Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional PP for the State.

The petitioner has filed the instant application for anticipatory bail apprehending his arrest in a case registered for the offence under sections 420, 467, 468, 471, 406, 120B and 34 of the Indian Penal Code and section 138 of the N.I. Act.

As per the case in the FIR, pursuant to an agreement for sale, a sum of Rs. 98 lacs had been paid to the petitioner as advance. However, neither the registered sale deed was being executed in favour of the informant nor was the amount being



returned.

It is submitted by learned counsel for the petitioner that he is filing a supplementary affidavit bringing on record a copy of the joint compromise petition filed on behalf of the informant and the accused persons in the case in the Court of the learned Additional Chief Judicial Magistrate I, Patna praying therein that the said compromise be accepted and the accused be acquitted. It is thus, submitted that in view of the compromise having been arrived at between the parties, the application be allowed and bail be granted to the petitioner.

Learned counsel for the informant agrees that the joint compromise petition has been filed in the Court below and puts his stress on paragraph 4 of the said petition which is quoted herein below for ready reference :

“4. That in token of compromise accused Md. Tauhid is ready to return the amount of Rs 21 lacs to Shrimati Ragni Devi and accused Nagmani is ready to return the amount of remaining Rs. 28 lacs by selling his Flat No. 201, Dakshneshwar Apartment, Patna which is in the name of his wife namely Smt. Reshma through registered sale deed in the name of Ragni Devi and Ragni Devi will bear the liability of existing loan amount of the bank and Ragni Devi is ready to return the amount of Rs 11 lacs to informant Ram Shyam



Sharma and Rs 17 lacs to Anuradha Ojha wife of
Vinod Kumar Ojha.”

It is further submitted on behalf of the informant that the said compromise is subject to the terms set out in the said compromise petition, the main clause of which has been quoted herein above. He further submits that in case of violation of the terms of the compromise, he should be given a liberty to move an application for cancellation of bail of the petitioner.

The learned APP for the State has also been heard.

Having heard learned counsel for the parties and taking into consideration the above stated facts especially the fact that the parties have arrived at a compromise and a joint compromise petition has been filed in the Court below, the Court is inclined to enlarge the petitioner on bail. The petitioner, above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Jakkanpur P.S. Case no. 618 of 2018 is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Patna subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

It may be added here that in case of violation of the



terms of the compromise, it will be open to the informant to
move the Court for cancellation of bail of the petitioner.

(Partha Sarthy, J)

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