

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.72586 of 2019

Arising Out of PS. Case No.-747 Year-2019 Thana- MADHEPURA District- Madhepura

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1. Kanchan Kumari, Wife of Om Shankar, Resident of Mohalla - Azad (Adarsh Nagar), Ward No. 8, Madhepura, P.S. and Distt - Madhepura.
 2. Om Shankar, Son of Shatrughan Kumar, Resident of Mohalla - Azad (Adarsh Nagar), Ward No. 8, Madhepura, P.S. and Distt - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Avinash Kumar, Branch Manager, State Bank of India, B.N.M.U. Campus, Branch, Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For State Bank of India : Mr. Rakesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 06-03-2020 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 409 of the IPC.



The prosecution case, as per the written report of Avinash Kumar, Branch Manager, State Bank of India, BNMU Campus Branch Madhepura, submitted to the Station House Officer, Madhepura Police Station, is to the effect that the petitioner no. 1 namely, Kanchan Kumari took a loan of Rs. 9,44,000/- for purchase of a vehicle, subsequently, an agreement was entered into between the petitioners and the Bank wherein, petitioner no. 2 namely Om Shankar, the husband was guarantor of the petitioner no. 1 on the said agreement, but subsequently, the petitioners failed in repaying the installment of loan amount, leading to registration of the present case.

It appears that vide order dated 16.11.2019 passed by a coordinate bench of this Court, on the joint prayer of the parties, the matter was referred to the Mediation and Conciliation Centre of Patna High Court. The report of the mediator, dated 20.01.2020, kept at Flag 'A' reflects that the issue between the parties has been reconciled through the process of mediation and subsequently, an agreement was entered into between the parties. The terms of agreement reflects that the parties have agreed to settle the issue on payment of Rs. 8,50,000/- within a period of four to six months.

Learned counsel for the petitioners submits that the



petitioners are ready to make payment of Rs. 8,50,000/ in view of the agreement arrived at during Mediation within a period of six months.

Learned counsel for the State Bank of India does not dispute the agreement arrived at between the parties before the Mediation Centre.

Considering the present stand of the parties and in view of the report of the mediator kept at Flag 'A' suggesting that the petitioners are ready to make payment of Rs. 8,50,000/- against the loan amount within a period of six months and the fact that learned counsel for the bank does not controvert the factum of the agreement arrived at before the Mediation Centre, let the above named petitioners be released on provisional anticipatory bail for a period of six months, in the event of arrest/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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 747 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioners will be



confirmed by the learned Court below on production of substantial proof with regard to payment of total amount of Rs. 8,50,000/- within a period of six months.

(Dinesh Kumar Singh, J.)

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