

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8627 of 2020

Arising Out of PS. Case No.-27 Year-2019 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. MADAN MOHAN MISHRA Son of Late Chaturbhuj Mishra Resident of Village - Chainpur Dharharwa, P.S.- Aurni, Distt.- Muzaffarpur.
 2. Mithilesh Mishra @ Milthlesh Mishra W/o Madan Mohan Mishra Resident of Village - Chainpur Dharharwa, P.S.- Aurni, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raju Kumar Son of Late Kamla Prasad Resident of Village - Shyam Babu Road, Andigola, P.S.- Town, Distt.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-06-2020 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, requiring social distancing.

Heard the learned counsel for the petitioners, the learned counsel for the informant and the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 27 of 2019, Trial No. 1681 of 2019 registered for the offence punishable under Sections 406, 420 and 120(B) of the Indian Penal Code



The case of the prosecution in brief is that the petitioners herein and other accused persons had approached the complainant for sale of land of the co-accused person, namely, Ashok Harshvardhan for a sale consideration of Rs. 1.46 crore and as per the agreement, the accused persons are stated to have taken advance money to the tune of Rs. 38.46 lakhs, however, the sale deed was not executed in favour of the complainant.

The learned counsel for petitioners has submitted that the petitioners are innocent and they have got no complicity in the matter as also they are willing to settle the matter by execution of the sale deed in question.

Per contra, the learned counsel for the informant has submitted that in case, the petitioners are ready to execute the sale deed and settle the matter, the complainant has no objection in grant of provisional bail to the petitioners herein so that they can do the needful, however, they should be put to strict terms.

Having regard to the facts and circumstances of the case and considering the materials on record, I deem it fit and proper to grant liberty to the petitioners to surrender before the court below within a period of four weeks from today, whereupon they shall be granted provisional bail on the very same day by the learned court of J.M. 1st Class, Muzaffarpur in connection



with Complaint Case No. 27 of 2019, Trial No. 1681 of 2019 and then the learned court below shall engage the complainant and the accused persons in mediation proceedings so as to settle the disputes amongst them amicably.

It is further directed that after the receipt of the outcome of the mediation proceeding, the learned court below shall take a final call with regard to either confirming the provisional bail to be granted to the petitioners or revoking the same.

The present petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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