

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38088 of 2019

Arising Out of PS. Case No.-191 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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CHUNCHUN KUMAR Son of Ram Sharan Singh Resident of Village -
Pahsara, P.S.- New Kothi, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the O.P. No. 2	:	Mr. Chandan Kumar Kashyap, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 21-09-2021 Heard Mr. Amrendra Kumar, learned Advocate
for the petitioner and Mr. Chandan Kumar Kashyap for
the opposite party no. 2. The State is represented by Mr.
Ram Naresh Ray, learned APP.

It appears that by mistake this application was
entertained as if it were a case under Section 498A IPC.
By order dated 05.07.2019, the Court directed the
parties to explore the possibilities of living together
harmoniously. This confusion continued till about
17.10.2019, when again an order was passed, taking
this petition to be under Section 498A IPC.

Since there was no appearance of the parties
before the court on that date, the petition was dismissed
for non-prosecution and the provisional bail granted to



the petitioner was withdrawn.

It appears that the case was restored to its original file by the order of the court and thereafter on 19.02.2021, a Bench of this Court referred the matter to the mediation centre for resolving the dispute between the parties.

However, it was also taken note of by the Bench that the petitioner had contended that according to his own calculation, he had to pay an amount of Rs. 3 lakhs. This stand of the petitioner was but contested and refuted by the counsel for the complainant who submitted that Rs. 27 lakhs was required to be paid by the petitioner.

However, the court directed the petitioner to pay an amount of Rs. 3 lakhs to the complainant within a period of four weeks. With respect to the rest of the dispute, the matter was referred to the mediation centre as noted above.

Because of the non-appearance of the parties before the mediation centre, the mediation failed.

However, the petitioner has paid Rs. 3 lakhs now to the opposite party no. 2.

The case before the court below shall continue but the provisional bail of the petitioner is hereby confirmed.



The petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai in connection with Complaint Case No. 191C of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment by the petitioner shall but the subject to his rights and contentions later.

(Ashutosh Kumar, J)

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