

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.386 of 2021

Arising Out of PS. Case No.-09 Year-2020 Thana- SURSAND District- Sitamarhi

RAJESH KUMAR, S/o Krishna Prasad, Resident of Village- Sursand, P.S.-
Sursand, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-12-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail
in connection with Sursand P.S. Case No. 09 of 2020 registered
for the offence punishable under Section 406, 420 of the Indian
Penal Code. Petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that on the
last date, this Court having noticed the submission of learned
counsel for the petitioner that the petitioner is ready to refund
the entire amount of Rs. 2,10,000/- to the informant, directed to
list this matter on another date to enable him to file a



supplementary affidavit.

Today, a supplementary affidavit has been filed.

It is submitted in the supplementary affidavit that after lodging of the F.I.R. both the parties have entered into a compromise. A copy of the compromise deed/agreement has been filed before this Court.

According to this compromise, this petitioner shall refund a sum of Rs. 4,00,000/- to the informant and for this purpose the sum of Rs. 4,00,000/- shall remain deposited with one Sri Ramesh Prasad (Proprietor of Prasad Jewelers).

Learned counsel for the petitioner submits that the petitioner is ready to deposit this amount and furnish proof of that while submitting bail bond in connection with this case in the learned court below.

Mr. Akhileshwar Dayal, learned A.P.P. for the State submits that since the parties seem to have entered into a settlement and the matter relates to a dispute pertaining to purchase of land, this Court may consider the prayer for pre-arrest bail of the petitioner in the light of the terms of the compromise deed.

Having regard to the materials placed before this Court, this Court directs that the petitioner above-named in the



event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Pupri, Sitamarhi in connection with Sursand P.S. Case No. 09 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that in terms of the compromise deed (Annexure '1' to the supplementary affidavit) and the statements made before this Court, the petitioner shall deposit the amount of Rs. 4,00,000/- with the person of the choice of the informant and that person will give a due discharge to the petitioner for and on behalf of the informant. On submission of the receipts/acknowledgment showing deposit of the said amount, the learned court below shall accept the bail bond.

It goes without saying that the informant shall cooperate with the petitioner in terms of the compromise deed and the learned court below shall considering the settlement in question dispose of the case as early as possible and preferably within a period of three months from the date of deposit of the amount.

If the petitioner fails to comply with the condition as



shown to this Court contained in the compromise deed, it will be open for the informant to move this Court for cancellation of bail of the petitioner.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

