

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67536 of 2019

Arising Out of PS. Case No.-1948 Year-2009 Thana- SARAN COMPLAINT CASE District- Saran

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LAXMAN PRASAD @ LAXMAN PRASAD YADAV Son of Late Shyamanand
Yadav Resident of Village- Gudri Main Road, P.S.- Bhagwan Bazar,
District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sobhapati Singh Son of Late Hiralal Singh Resident of Village- Bachheyari, Tahara, P.S.- Maker, District- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Kumar Singh
For the Opposite Party/s	:	Mr.Md. Shakir Ahmad
For the O.P. No. 2	:	Mr. Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 06-12-2021 Heard Mr. Krishna Kumar Singh, the learned

counsel for the petitioner and Mr. Mukesh Kumar Singh, the

learned counsel for the complainant / opposite party no. 2.

The State is represented by the learned APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Tr. No. 536 of 2019 arising out of



C. No. 1948 of 2009 in which cognizance has been taken under Sections 402, 406 of the Indian Penal Code.

It appears that the petitioner was granted anticipatory bail by the court below initially on the ground that the parties have resolved to settle the differences. However, the petitioner could not take advantage of that order as he did not surrender within the stipulated time. Later, the effort of the petitioner to get extension of time for surrendering did not yield any result.

Perforce, the petitioner has approached this Court.

Mr. Mukesh Kumar Singh, the learned counsel for the opposite party no. 2 has submitted that at the time when anticipatory bail was granted to the petitioner on the ground of settlement of dispute, he was not heard. Till date, the opposite party no. 2 has not received any money which is due to him. He, therefore, submits that the very statement that the parties have settled the dispute is incorrect.

Considering the aforesaid circumstances, this Court deems it appropriate that the matter be verified by the Court below whether there was any settlement between the



petitioner and the opposite party no. 2 and whether pursuant to that settlement, the amount of Rs. 80,000/- has been paid to O.P. no. 2.

If the aforesaid fact is not found to be correct, the prayer for anticipatory bail of the petitioner would be considered on merits and a final order shall be passed.

If at all it is found that there was a compromise and pursuant to that compromise, money has been paid to the opposite party no. 2, bail shall be granted to the petitioner subject to such terms and conditions which the court below would consider appropriate.

Bail shall also be granted to the petitioner in the event of the petitioner promising to pay that amount to the opposite party no. 2 within a reasonable period of time.

For the aforesaid purpose, the petitioner shall appear before the court below within a period of four weeks from today. On his appearance, the opposite party no. 2 shall also be noticed and the facts stated above shall be verified.

Till such time a final order is passed by the court



below, provisional bail shall be granted to the petitioner on
such terms and conditions which the court below shall
consider appropriate.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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