

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15550 of 2020**

Arising Out of PS. Case No.-271 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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VIKASH KUMAR S/o Shyam Choudhary @ Shyam Bhadur Choudhary
Proprietor of Siddhi Vinayak Hardware, resident of Village- Kariho, P.S.-
Supaul, Distt- Supaul

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Manoj Kumar S/o Late Ram Nandan Prasad Resident of Village- Nasriganj,
P.S.- Digha, Distt- Patna.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha
For the Opposite Party/s : Mr.Prem Kumar Jha

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

9 21-06-2022 Heard learned counsels for the parties.

The petitioner apprehends his arrest in connection with Complaint Case No. 271(c) of 2018, registered for the offences punishable under Sections 420 of the Indian Penal Code along with sections 138 of the Negotiable Instrument Act.

As per allegation, the complainant has supplied some house construction materials to the petitioner worth Rs. 1,13,400/-. The goods were supplied on credit. The petitioner issued a cheque to him as consideration money which was dishonoured by the bank.

Learned counsel for the petitioner has submitted that the matter was referred to Patna High Court Mediation and



Conciliation Centre and both the parties have mutually agreed to settle their dispute. The report of Mediation Centre is annexed with the record. Paragraph No. 1 to 5 are the terms and conditions for the settlement of the issue.

Paragraph No. 1 to 5 are being extracted hereinbelow:-

“1. That after great persuasion both the parties agreed to settle this matter, the petitioner offered to pay Rs. 60,000/-(Rupees Sixty Thousand Only) through two cheque No. 000065, dated 30.04.2022 for Rs. 30,000/- (Rupees Thirty Thousand only) and Cheque No.000066, dated 30.05.2022 for Rs. 30,000/- (Rupees Thirty Thousand only), both cheques of Bandhan Bank, Supaul Branch, as full and final settlement amount to the Opposite party No.2 (Manoj Kumar). Opposite party No.2 accepted the offer and gave his consent to finally compromise this case i.e. Complaint Case No. 271 of 2018 pending in the Court of A.C.J.M. V, Danapur, Patna.

2. That the aforesaid original both cheque bearing No. 000065, dated 30.04.2022 for Rs.30,000/- (Rupees Thirty Thousand) and Cheque No.000066, dated 30.05.2022 for Rs.30,000/- (Rupees Thirty Thousand only) have been received by Opposite party No.2 namely Mr. Manoj Kumar, Son of Late Ram Nandan Prasad, before Ld. Mediator Mr. Jawahar Prasad Singh in Patna High Court Mediation Centre, Patna.

3. This settlement shall be full and final and no



any claim in future shall be made against each other.

4. That both the parties agreed to withdraw the case filed against each other.

5. That the above contents of the agreement have been read over and explained to us in Hindi which have been fully understood and accepted thereupon.”

Considering the fact that both the parties have compromised the case, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. V, Danapur, Patna in connection with Complaint Case No. 271 (c) of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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