

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6828 of 2021

Arising Out of PS. Case No.-270 Year-2020 Thana- MANIYARI District- Muzaffarpur

1. Vishwajit Singh, aged about 36 years, Male, son of Late Jitendra Rai.
2. Rohit Kumar, aged about 32 years, Male, son of Late Jitendra Rai.
Both are resident of Village- Maniyari, P.S.- Maniyari, Dist.- Muzaffarpur

... .. Petitioners

Versus

1. The State of Bihar
2. Uday Kumar, son of late Ravindra Prasad, resident of Badi Nagla, P.S.- Malsalami, District- Patna.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Kundan Kumar, Advocate Mr. Ranjeet Kumar, Advocate
For the State	:	Mr. Md. Matloob Rab, APP
For Opp. Party No.2	:	Mr. Upendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 07-02-2022 Heard learned counsel for the parties through video conferencing.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Maniyari P.S. Case No. 270 of 2020 for the offence punishable under Section 420/406 of the Indian Penal Code.

On 04.02.2022, the following order was passed by this Court:-

“ *Heard learned counsel for the parties through*



video conferencing.

On the request of this Court, Sri Ranjeet Kumar, learned Advocate for the petitioner had tried to mediate in the matter but during the course of mediation the opposite party no.2 threatened him by saying that I have recorded the entire conversations on mobile phone.

When this fact fact brought to the notice of this Court, this Court directed to appear the opposite party no.2 through virtual mode. Accordingly, he has appeared from the office of his lawyer namely, Sri Upendra Kumar:

On the oral order of the Court, the mobile phone of the opposite party no.2 has been taken by learned Advocate for the opposite party no.2, which shall be deposited with the Court Master on Monday i.e. 07.02.2022.

Put up this case on 07.02.2022.

On that day, the Court will decide the future course of action.”

The petitioners, during the course of talks of settlement, have offered to pay Rs.2,50,000/- to the opposite party no.2, which according to them may be the amount due to the opposite party no.2. However, during the course of compromise talks, the conduct of the opposite party no.2 has been contemptuous and this Court does not approve the same.

Considering the fact that this is basically a business dispute, this bail application is allowed.



Let the petitioners, above named, in the event of their arrest/surrender within ten weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Maniyari P.S. Case No. 270 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is also subject to the condition that at the time of furnishing the bail bonds, the petitioners shall deposit a bank draft of Rs.2,50,000/- issued in the name of the concerned Court below for a period of two years and thereafter the Court below shall release him on anticipatory bail.

The amount deposited by the petitioners shall be subject to the result of the criminal case and it shall not be allowed to be withdrawn by the opposite party no.2 until and unless, the criminal case is decided finally. If the criminal case is decided in favour of the petitioner, the aforesaid amount shall be returned to the petitioners. In case, the petitioners are held guilty then the aforesaid amount shall be released in favour of the opposite party no.2.

This order will not restrain the opposite party no.2



from initiating any recovery suit in a competent Court.

Considering the conduct of the opposite party no.2 and also considering the apology sought by him, he is let off with a warning but he shall have to deposit a cost of Rs.10,000/- in the Victim Compensation Fund of the concerned Court below. Unless and until this receipt is deposited in the Court below, the criminal case will not proceed any further against the petitioners.

The opposite party no.2 can take back his mobile after deleting objectionable recording in presence of Court Master.

With the aforesaid observations and directions, this bail application is allowed.

(Sandeep Kumar, J)

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