

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59406 of 2019

Arising Out of PS. Case No.-3 Year-2017 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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ANITA SINGH Wife of Sri Prabhash Kumar Singh Resident of Village -
Kushaha, P.S.- Shambuganj, Dist.- Banka, at present 612/1 Railway Officer
Colony, Town, P.S and Dist.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhagwan Dutt Son of Late Jagranath Prasad Sah Resident of Village -
Upendra Nath Bagchi Lane, Mashakchak, P.S.- Adampur, District-
Bhagalpur.

... .. Opposite Parties.

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Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh
For the Opposite Party/s : Mr.Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-11-2022 Heard learned counsel for the petitioner, learned

counsel for the opposite party no.2 and learned APP for the

State.

The present application has been filed to cancel the

bail bond of opposite party no.2 which was granted to him vide

order dated 05.09.2018 passed in Cr. Misc. No.16339 of 2018.

Learned counsel for the petitioner submits that

opposite party no.2 was granted bail on the basis of a mediation

report dated 25.08.2018 that the parties have come to an

amicable settlement and it has been resolved that the parties

would be made to the compromise in the manner as indicated in



the Memorandum of Agreement, which is part of mediation report. He further submits that no step has been taken by opposite party no.2 to comply the Memorandum of Agreement.

On the other hand, learned counsel for the opposite party no.2 submits that it is a civil nature of dispute and three other persons, who have signed the Memorandum of Agreement are not taking interest to comply the said agreement and he alone is not responsible for non-compliance of the said agreement and this fact has not been raised before the Mediator.

It appears that opposite party no.2 was granted bail on the basis of Memorandum of Agreement reached between the parties and now he cannot escape from that agreement and he should comply the same.

In that view of the matter, the bail bond of the petitioner is hereby cancelled in connection with Kotwali (Adampur) P.S. Case No.03 of 2017 and he is directed to surrender before the learned Court below within three weeks from today.

Accordingly, this application is allowed.

(Anjani Kumar Sharan, J)

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