

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7247 of 2023

In
CRIMINAL MISCELLANEOUS No.65806 of 2021

Arising Out of PS. Case No.-190 Year-2021 Thana- BYPASS District- Patna

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Vinod Kumar Singh Son Of Shiv Balak Singh R/O Village- Marchi, P.S.-
Bypass, District- Patna.

... .. Petitioner/S

Versus

1. The State of Bihar.
2. Kaushal Kishore Yadav S/O Late Shiv Prasad R/O- Village- Goriyatola, P.S.-
Kotwali, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Adv.
	:	Mr. Alexander Ashok, Adv.
For the Opposite Party/s	:	Ms. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 19-04-2023 Heard learned counsel for the petitioner, counsel for
the O.P. No.2 and learned counsel for the State.

The present Criminal Misc. application has been filed
for conforming the provisional bail granted by this Court on
12.10.2022, passed in Cr. Misc. No. 65806 of 2021.

Counsel for the petitioner submits that this Hon'ble
Court, after considering petitioner's bail application filed in Cr.
Misc. No. 65806 of 2021, has pleased to grant provisional bail
on furnishing the bail bond of Rs. 50,000/- with two sureties and
directed to appear before the Mediation Center, fixed by the
Trial Court. It was also directed to the Trial Court to start
mediation under its supervision and mediation to be concluded,

within 90 days. It was also directed in case of failure of mediation, provisional bail granted to petitioner shall stand cancel but in the case of settlement, the Trial Court shall confirm the provisional bail granted by this Court.

Counsel for the petitioner submits that even after the mediation the settlement with O.P. No.2, could not result into success. Counsel submits that everything has been settled, only Rs. 8,00,000/- which has been paid in cash to the information has not been accepted by the Informant. Due to which the mediation failed.

Counsel submits that petitioner is ready to fulfill all the conditions, whatsoever shall be imposed upon him.

It is a dispute relating to marriage, in which settlement of money between the parties is the subject matter at present.

Counsel for the informant opposes the prayer of the petitioner to confirm the provisional bail and submits that even after granting opportunity to enter into mediation, the petitioner is not ready to pay Rs. 8,00,000/-. He is making false pleading before this Court that he has paid Rs. 8,00,000/- fixed by the mediation center. Without the payment of Rs. 8,00,000/-, it is not possible for the mediation to be successful.

Counsel for the State submits that initially provisional

bail was granted in this case, which has been cancelled due to unsuccessful mediation and again petitioner has come before this Court.

Granting bail does not mean petitioner has been acquitted and even after granting bail, he shall be subject to trial.

Petitioner remained in custody since 23.08.2021, till he was granted provisional bail.

After failure of mediation, he filed a fresh petition for confirmation of bail and vide order dated 08.02.2023, it was directed by this Court that no coercive action should be taken against the petitioner.

In the facts and circumstances, that petitioner was granted provisional bail vide order dated 12.10.2022 and subsequently, his provisional bail was protected vide order dated 08.02.2023. Let the bail granted to the petitioner vide order dated 12.10.2022 passed Cr. Misc. No. 65806 of 2021 is hereby **confirmed**.

(Dr. Anshuman, J.)

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