

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26708 of 2023

In
CRIMINAL MISCELLANEOUS No.48523 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- VISHNUPAD District- Gaya

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BANTI KUMAR S/O SRI SARYUGAL Resident of Village- Shiv Charan
Sahay, Manpur, P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ANJANI BARANWAL D/O LATE ABHIMANYU PRASAD
BARANWAL, W/O BANTI KUMAR Resident of Village- Mangala Gauri
lane of the near sangam tailor, P.O.- Chandchaura, P.S.- Vishnupad, District-
Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-10-2023 Heard learned counsel for the parties.

2. This petition has been filed for modification of
order dated 14.11.2022 passed in Cr. Misc. No. 48523 of 2021.

The order reads as follows:

*“Learned counsel for the petitioner
seeks permission to withdraw this anticipatory
bail petition on the ground that dispute between
the parties has been resolved through the process
of mediation.*

Prayer is allowed.

*This anticipatory bail petition is,
accordingly, dismissed as withdrawn.”*



3. It is submitted by learned counsel for the petitioner that *vide* order dated 14.11.2022 the petition was dismissed as withdrawn since the dispute between the parties was resolved through the process of mediation but on that very day prayer for granting bail to the petitioner was not made and as such petitioner could not surrender and file bail bond in the court below. Accordingly, he requests for granting anticipatory bail to the petitioner.

4. In that view of the matter, anticipatory bail is granted to the petitioner and, accordingly, order dated 14.11.2022 passed in Cr. Misc. No. 48523 of 2021 is modified to the extent given hereinbelow:

“Earlier, the matter was referred to Patna High Court Mediation and Conciliation Centre by order dated 22.03.2022 for resolution of dispute between the parties and in this regard, a report dated 05.05.2022, kept at flag ‘X’, has been received. On perusal of Mediator’s report, it appears that the dispute between the parties has been resolved on the terms and conditions mentioned in the Agreement (annexed with the Mediator’s report).

Accordingly, in the event of arrest/surrender



within a period of six weeks from today, let the above-named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Vishnupad P. S. Case No. 70 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C. with further condition that petitioner shall abide by the terms & conditions of the agreement, arrived at between both parties before the Mediator.

5. Accordingly, modification petition is allowed and order dated 14.11.2022 passed in Cr. Misc. No. 48523 of 2021 is modified to the above extent.

(Prabhat Kumar Singh, J)

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