

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45805 of 2022

Arising Out of PS. Case No.-546 Year-2021 Thana- SHASTRINAGAR District- Patna

MRS. MAMTA SINGH S/O SRI SANJEEV KUMAR SINGH Resident of
L/F- 41 Shri Krishna Puri Boring Road, P.S.- Shri Krishna Puri, District-
Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46049 of 2022

Arising Out of PS. Case No.-546 Year-2021 Thana- SHASTRINAGAR District- Patna

SANJEEV KUMAR @ SANJEEV KUMAR SINGH Son of Late Shiv Pujan
Singh Resident of Village - L/F -41, Shri Krishna Puri Boring Road, Patna
-800001

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45805 of 2022)

For the Petitioner/s : Mr. Mohit Raj, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

For the Informant : Mr. Ashok Kumar Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 46049 of 2022)

For the Petitioner/s : Mr. Mohit Raj, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

For the Informant : Mr. Ashok Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

9 22-09-2023

Heard the parties.

2. In both the aforesaid Cr. Misc. No. 45805 of 2022
and Cr. Misc. No. 46049 of 2022, the prayer is for grant of
anticipatory bail to the petitioners who are apprehending their
arrest in connection with Shastri Nagar P.S. Case No. 546 of



2021 registered for the offence under Section 448, 406, 420 and 120(B) of the I.P.C.

3. Finally, the good senses have prevailed between the parties (the petitioners and the informant, Sanjeev Kumar) and they have come to an amicable settlement and accordingly, compromise petition duly put on affidavit on 23.08.2023 has been filed and it is necessary to incorporate the same :

1. That petitioner and informant is partner in joint venture for construction of a multi storied building namely Geeta Nutan Enclave at Patna and both parties agreed to invest half and half money in developing the project situated at Mouza Sheikhpura, Mohalla- Adarsh Colony, P.S- Shastrinagar, Survey Thana- Phulwarisharif, Thana No. 09, Tauzi No. 5316, Khata No. 351 Part of plot no. 208, Total Area- approx 8 Katha Building up Area- 19826.21 Sq. feet.

2. That after completion of project differences cropped up between the petitioner and her partner namely Sanjeev Kumar who is the informant of the case leading to institution of following cases between them

A. Cases instituted by petitioner against Informant Sanjeev Kumar.

(i) Shastrinagar P.S. Case No.



545/2021 u/s 448, 384, 504, 506/34 of the IPC pending in the Court of Learned A.C.J.M. Patna.

(ii) Bank More P.S. Case No. 11/2022 dated 04.01.2022 for offences u/s 406, 420, 34 of the IPC pending in the Court of Learned A.C.J.M. Dhanbad.

(iii) Complaint Case No. 6786(c) of 2021 for offences u/s 406 of IPC and Section 138 of N.I. Act pending in the Court of Learned A.C.J.M. IInd, Patna.

B. Cases instituted by informant against petitioner and his wife

(i) Shastrinagar P.S. Case No. 546/2021 dated 10.11.2021 for offences u/s 448, 406, 420, 120(B) of the IPC pending in the Court of Learned A.C.J.M. Patna.

3. That due to intervention of well-wishers, family friends and relatives of both the family, both informant and petitioner agreed to compromise all the five cases filed by both the parties.

4. That since dispute between the parties are out and out a civil dispute.

5. That since dispute between the parties are out and out a civil dispute and both parties have resolved their disputes and they do not want to pursue the cases instituted by respective parties.

6. That both parties have agreed



not to pursue and depose in court against each other and have agreed to compromise and to take steps for dropping all the criminal cases pending against each other in different courts.

7. That both parties have no objection if bail will be granted in pending cases and agreed to cooperate in dropping/closing of the cases.

8. That both parties undertake to cooperate and will take all possible steps to close/drop the all five cases pending against each other.

4. Learned Counsel for the informant as also the learned APP are present and have not disputed the compromise petition which is now part of the record.

5. The affidavit is at page no. 6 which is annexed to the compromise petition duly signed by both Sanjeev Kumar as also Mamta Singh on 23.08.2023.

6. Taking into account the aforesaid facts and now that they have come to an amicable settlement, the anticipatory bail applications of both the petitioners are allowed.

7. Let the petitioners, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 1,00,000/- (One Lakh) each with two sureties of like amount



each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna, in connection with Shastri Nagar P.S. Case No. 546 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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