

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46904 of 2022

Arising Out of PS. Case No.-654 Year-2021 Thana- ARA NAGAR District- Bhojpur

Brajesh Gupta @ Brajesh Kumar Gupta S/o Late Satya Narayan Gupta
Resident of Mohalla- Mahadeva Road, P.S.- Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 04-10-2023 Heard Mr. Ravindra Kumar, learned counsel for the
petitioner and Mr. Uday Pratap Singh, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Ara Town P.S. Case No. 654 of 2021, F.I.R. dated 14.09.2021 registered for the offences punishable under Sections 420, 406/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 05.03.2017 the informant went to the shop of accused persons situated at Gopali Chowk and said that he is in need of golden ornaments for the purpose of marriage on which the accused told him that he deposits money now then he will get ornaments on today's rate and if not required then his cash will be returned with interest of 1.75% per month. It has been further alleged that he paid Rs. 5,00,000/- on 09.03.2027 in the account of



Suhagan Abhushan Bhandar from his P.N.B. Account No. 1494000100078543 by virtue of R.T.G.S. and Rs. 1,50,000/- was paid on 10.03.2017, Rs. 2,00,000/- was paid on 15.03.2017 and Rs. 1,50,000/- was paid on 18.03.2017 and in this way he paid to Suhagan Abhushan Bhandar total Rs. 10,00,000/- and a receipt was also issued to him. It has been further alleged that when he went to Suhagan Abhushan Bhandar in March, 2020 and told to Reena Gupta and Brajesh Kumar Gupta that he is in need of ornaments upon which they refused to give the ornaments and return money. It is further alleged that a Panchayati was also convened in which they have told to return by November-December 2020 but they did not return. It is further alleged that the accused persons committed fraud and cheated him.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case.

5. Vide order dated 24.04.2023 at the request of both the parties, the matter was referred to Mediation and Conciliation Centre, Patna High Court for amicable settlement between the parties. The report dated 25.09.2023 of the learned Mediator suggests that the dispute between the parties has been



resolved through the process of mediation and both the parties have signed an agreement before the learned Mediator on 19.09.2023 and in terms of agreement dated 19.09.2023, the matter has been resolved between the parties.

6. Considering the facts and circumstances of the case and the report of learned Mediator, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Town P.S. Case No. 654 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

