

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67133 of 2021

Arising Out of PS. Case No.-403 Year-2017 Thana- KOTWALI District- Munger

KUNDAN KUMAR Son of - Sadanand Yadav Resident of Village- Near 6
No. Gate, Sandalpur, P.S.- Kasim Bazar, District- Munger, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Mr. Kumar Rajdeep, Adv. Mr. Arvind Kumar, Adv.
For the Opposite Party/s :		Mr. Umesh Pandit, APP
For the Informant	:	Mr. Md. Fazle Kalim, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 18-01-2023 This Court, by an order dated 18.4.2022, had though granted the privilege of provisional bail to the petitioner, but had relegated the parties to appear before the Chartered Accountant, namely, Jha & Associates, Patna, having its office at Flat No. 406-407 (Fourth Floor), Grand Plaza, Frazer Road, Patna-800001 for adjudication of the disputes in between them.

It appears that thereafter, the parties had appeared before the said Chartered Accountant, who has submitted a report in a sealed cover, dated 18.11.2022, which has been opened and



placed before this Court.

This Court finds that the said report of the Chartered Accountant, dated 18.11.2022, may unduly prejudice the case of the parties, especially in view of the fact that though this Court had referred the matter to the Chartered Accountant with a view that the dispute in question shall be settled amicably, however, the Chartered Accountant has observed in his report that there is no possibility of settlement of the dispute in between the parties on a mutually agreed settlement amount.

This Court further finds from the report of the Chartered Accountant dated 18.11.2022 that on account of unavailability of certain documents, appropriate conclusion has not been arrived at.

The Ld. Counsel for the parties are also in agreement that since the dispute in question could not be settled before the aforesaid Chartered Accountant, his report dated 18.11.2022 should not be given any credence, inasmuch as firstly, the same may prejudice the parties and secondly,



making the said report to be a part of the trial court records would amount to adopting a procedure unknown to the well-settled principles of criminal jurisprudence.

In such view of the matter, this Court deems it fit and proper to direct the learned Court Master to seal the said report, forthwith, which though shall remain on record, but shall neither be de-sealed nor shall be of any evidentiary value nor shall be used by anyone for any purpose.

Under the circumstances, I deem it fit and proper to make the order dated 18.4.2022, granting provisional bail to the petitioner herein, absolute, however, with a direction to the petitioner to appear before the learned Court of 3rd Additional Sessions Judge, Munger, in connection with Kotwali P.S.Case No. 403 of 2017, on each and every date, so fixed and in default thereof, the present privilege of bail being granted to the petitioner, shall stand cancelled automatically and the petitioner shall be liable to be taken into custody, forthwith. It is also directed that the



petitioner shall not leave the country till the conclusion of the trial.

The present petition stands disposed of with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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