

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38523 of 2022

Arising Out of PS. Case No.-533 Year-2020 Thana- BARACHATTI District- Gaya

Jitendra Prasad Son Of Suresh Mahto R/O Village- Shivganj, P.S.- Dhangai,
District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi D/O Mahendra Prasad R/O Village- Padumchak, P.S.- Barachatti,
District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-04-2024 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State along with learned counsel for the

OP No. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 498A and

34 of the Indian Penal Code.

3. The learned counsels for the parties jointly submit

that the case was referred for mediation and the dispute was

amicably resolved in between the petitioner and the OP No. 2 in

presence of the learned Mediator, by way of one time

settlement.

4. The learned counsel for the OP No. 2 submits that



it was agree in between the petitioner and the OP No. 2 that the petitioner would pay an amount of Rs. 4 lakhs to the OP No. 2 within a period of four months from the date of the report of the learned Mediator. It is next submitted that four months period has elapsed and only an amount of Rs. 1 lakh has been paid.

5. The learned counsel for the petitioner does not dispute the said submission of the learned counsel for the OP No. 2, but then submits that the petitioner is a poor person and runs a shop of tobacco and betel. It is next submitted that no useful purpose would be served by sending the petitioner to jail as the petitioner is willing to pay the amount as agreed before the learned Mediator but then prays for some time. The learned counsel for the petitioner next submits that the rest of the Rs. 3 lakhs shall be paid by the petitioner on or before 15-7-2024 positively.

6. The learned counsel appearing on behalf of the OP No. 2 very fairly submits that no useful purpose would be served by sending the petitioner to jail as the petitioner is willing to pay the remaining amount.

7. Considering the joint submissions made by the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



be released on provisional anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barachatty P.S. Case No. 533 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the petitioner is not able to satisfy the learned trial court that he has cleared the entire amount Rs. 3 lakhs on or before 15-7-2024 in that event the learned trial court shall forthwith cancel his provisional anticipatory bail bonds and shall take all coercive steps to ensure that petitioner is behind bars.

9. The Learned counsel appearing on behalf of the OP No. 2 at this stage submits that in the event if the petitioner pays the entire amount as agreed, the OP No. 2 shall withdraw all the criminal cases instituted by her against the petitioner.

(Satyavrat Verma, J)

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