

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52955 of 2023

Arising Out of PS. Case No.-106 Year-2019 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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AJAY KUMAR S/o- LATE KAILASH SINGH Village- Baradhigola Ps-
Akorhigola Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. BADRINATH GUPTA S/o- SRI RAM SAH Mohalla- New Sidhauri
Dalmianagar Po- Dalmianagar Ps- Dehri Dalmianagar Dist- Rohtas Sasaram

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Adv.
For the Complaint : Mr. Jai Prakash Singh, Adv.
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 12-03-2024 Heard learned counsel for the petitioner and learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in

connection with Complaint Case No. 106 of 2019 registered for

the offence/s punishable u/ss 420 and 406 read with section 34

of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the

co-accused Dilip Kumar showed a piece of land to the

complainant for Rs. 26 lakhs. Thereafter, an agreement was

prepared and the complainant gave altogether Rs. 26 lakhs to



the co-accused and the petitioner. Again the complainant gave Rs. 4 lakhs to the co-accused Dilip Kumar. Thereafter, the petitioner and the co-accused Dilip Kumar had been skipping the execution of registry of the land. When the complainant asked to execute the said land, they abused and assaulted the complainant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The dispute between the parties has already been resolved through the process of mediation and the terms of settlement were mutually agreed upon by them as given hereinbelow:-

(i). That after great persuasion both the parties agreed to settle the dispute and for this the petitioner offered to pay a sum of Rs.13,75,000/-(Rupees Thirteen Lakhs Seventy Five Thousand Only) as full and final settlement amount to the Opposite party No.2 for the dispute running between them. The Opposite party No.2 accepted the offer and gave his consent.

(ii). That both the parties agreed that out of the aforesaid amount a sum of Rs.5,00,000/- (Rupees Five Lakh) shall be paid till 13.10.2023 through Demand



Draft/Cheque/RTGS/NEFT to the Opposite Party No.2. The rest amount of Rs.8,75,000/- (Rupees Eight Lakh Seventy Five Thousand) shall be paid in two equal installments till 31 December, 2023.

(iii). That the petitioner has already paid a sum of Rs.5,00,000/- (Rupees Five Lakh) to Opposite Party No.2 through RTGS/NEFT dated 11.10.2023. The Opposite Party No.2 has accepted that he has received payment of Rs.5,00,000/- (Rupees Five Lakh) from the petitioner.

(iv). That both the parties agreed that this settlement shall be full and final settlement and that no party shall claim in future against each other, in any manner.

(v). That both the parties agreed that any case filed against each other shall be withdrawn by each of the party.

(vi). That the above contents of the agreement have been read over and explained to us in Hindi which have been fully understood and accepted there upon.

(vii). That in the above terms and conditions a settlement has been arrived at between the parties and both have signed in presence of their learned counsels, who have also put their signature on this agreement.

5. Learned A.P.P. for the State has vehemently



opposed the anticipatory bail petition of the petitioner. Learned counsel for the Complainant has submitted that the mediation has been resolved through the process of the mediation.

6. Considering the aforesaid facts and circumstances of the case as well as in the light of the settlement report arrived at Mediation Centre dated 13.10.2023, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Dehri (Rohtas) in connection with Complaint Case No. 106 of 2019, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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