

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65882 of 2023

Arising Out of PS. Case No.-1652 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Mukesh Kumar Sahni S/o Permeswar Sahni R/o Village-Bela Chakballi, P.S.-
Sadar, Dist.-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santoshi Devi W/o Mukesh Kumar Sahni, D/o Haraikrishna Sahni R/o
Village-Karkauli, Post-Maghigama, P.S.-Sadar, Dist.-Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-05-2024 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 342, 323, 498(A), 379 of the Indian Penal Code and Sections 3 and 4 of the D.P. Act.

3. Learned counsels appearing on behalf of the parties submitted that the case was referred for mediation but then the mediation failed.

4. Learned counsel for the petitioner submits that the petitioner was married to the O.P. No.2 on 20.04.2018 but then after marriage dispute arose, on account of which, a panchayati was held, in which, an agreement was entered in between the



side of the petitioner and the complainant, wherein it was agreed that the petitioner will return all the gifts, which he had received at the time of marriage, including the motorcycle. Similarly, the complainant side had also agreed to return all the gifts, which they had received at the time of marriage. The learned counsel next submits that all the gifted articles were returned by both the parties to each other but dispute arose with respect to the motorcycle, as the O.P. No.2 was not willing to take back the motorcycle, as it had become old. It is thus submitted that since the dispute arose on account of the motorcycle, as such, the instant complaint case came to be instituted.

5. Learned counsel appearing on behalf of the O.P. No.2 submits that in the event if the petitioner compensates the O.P. No.2 by paying Rs.80,000/- in lieu of the gifted motorcycle, in that event, the O.P. No.2 shall not oppose the anticipatory bail application of the petitioner and will also withdraw the instant complaint case.

6. Learned counsel for the petitioner submits that he will return an amount of Rs.80,000/- to the O.P. No.2 within a period of one month from today.

7. Considering the submissions made by the learned counsels for the parties, the petitioner above-named, in the event



of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs.2000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Darbhanga, in connection with Complaint Case No.1652/2018, or T.R. No.4177/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, if the petitioner is not able to satisfy the learned trial court that petitioner has paid the amount of Rs.80,000/- on or before 14.06.2024, in that event, the learned trial court shall be at liberty to cancel the provisional bail bonds of the petitioner. However, if the petitioner satisfies the learned trial court that the amount has been paid as agreed on or before 14.06.2024, the provisional anticipatory bail shall be confirmed on the same terms and conditions.

9. It is made clear that in the event if the amount as agreed is paid by the petitioner, the O.P. No.2 shall also withdraw the instant complaint case.

(Satyavrat Verma, J)

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