

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70090 of 2023

Arising Out of PS. Case No.-372 Year-2023 Thana- MAHUA District- Vaishali

Om Prakash Gupta @ Umesh Prasad Gupta Son of Banarasi Prasad Gupta @
Banarasi Gupta Village Mahua Singhrail, P.S. Mahua, District Vaishali At
Hajipur Petitioner

Versus

1. The State of Bihar
2. Ramnath Ray, S/o Late Dwarika Ray, R/o Village- Rasulpur Fatah, P.S.
Goraul (Kathara O.P.) District- Vaishali Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Sudha, Advocate
For the Informant	:	Mr. Gyanendra Kumar Shukla, Advocate
For the State	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-03-2024 Heard Ms. Sudha, learned counsel for the petitioner,

Mr. Gyanendra Kumar Shukla, learned counsel for the Informant

and Mr. Zainul Abedin, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Mahua P.S. Case No. 372 of 2023, F.I.R. dated 18.06.2023 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code and Section 138 of the N.I. Act.

3. Allegation against the petitioner is of taking Rs. 41 Lakhs as loan from the Informant but he did not return the same to the informant. A cheque was given to the informant by the accused petitioner, which was bounced.

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



5. Pursuant to the direction of this Hon’ble Court dated 01.11.2023, the matter was referred to Patna High Court Mediation Centre for settle the dispute between the parties. Report of the learned Mediator dated 27.02.2024 reveals that the matter has been settled between the parties and the petitioner is ready to pay Rs. 20,00,000/- (Twenty Lakhs) and out of Twenty Lakhs the petitioner has paid Rs. 1,00,000/- (One lakh) to the complainant/Informant and he has given an undertaking to pay Rs. 19,00,000/- (Nineteen Lakhs) in 19 (nineteen) equal instalments within a period of nineteen months.

6. In view of the aforesaid, the provisional bail granted to the petitioner vide order dated 01.11.2023 is hereby confirmed in connection with Mahua P.S. Case No. 372 of 2023.

7. Learned counsel for the Informant shall be at liberty to move for cancellation of anticipatory bail of the petitioner, if the petitioner will not pay any instalment amount in any month as he has given an undertaking in the agreement dated 26.02.2024 before the learned Mediator in the mediation proceeding.

(Rajesh Kumar Verma, J)

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