

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45655 of 2025

Arising Out of PS. Case No.-393 Year-2025 Thana- PHULWARISHARIF District- Patna

SAMSER ALAM @ SAMSER IMAM S/O LATE NASIMUDDIN @ LATE MD. NASIMUDDIN R/O VILL-NAUSA, PS-PHULWARI SHARIF, DIST-PATNA, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay Ms. Rupa Sinha Ms. Harshita
For the State	:	Ms.Rina Sinha
For the informant	:	Mr. Gautam Kumar Yadav

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 517-12-2025
1.

Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2.

This application, for grant of anticipatory bail, arises out of Phulwarisharif Police Station Case No. 393 of 2025, disclosing offences punishable under Sections 406/420/34 of the Indian Penal Code.
3.

The prosecution case, as per the First Information Report, is that the informant agreed to purchase a piece of land of Khata No. 51, Plot No. 988, from the petitioner and others, the revenue receipt of which was issued in the name of one Brijnandan Rai, and the petitioner and others



have assured the informant that within six months, they will replace the name of Brijnandan Rai with their ancestors in the revenue record. For purchasing the land, the informant has paid a sum of Rs. 12,00,000/- to the petitioner and other co-accused persons. Till the date of lodging the First Information Report, the petitioner and others have neither gave the possession of the land in question nor cancelled the name of Brijnandan Rai from the revenue record and when the informant enquired from the accused persons, they told him that a case is pending between the parties.

4. Earlier, the matter was referred to mediation centre by this Court vide order, dated 15.09.2025.
5. Learned Counsel for the petitioner submits that the mediation has been successful and both the parties have settled their dispute through process of mediation, wherein the petitioner has offered to pay a sum of Rs. 2,90,017/- as full and final settlement and the informant has accepted the offer, in accordance with the terms of settlement, mutually arrived at by the parties, having been recorded in the mediation report, dated 14.10.2024, passed in Mediation Proceeding No. 1376 of 2025.



6. Considering the submissions advanced by the parties and taking into consideration the terms of settlement arrived at between them in mediation and in the interest of both the parties, I am inclined to grant the petitioner privilege of anticipatory bail, subject to condition that the petitioner shall abide by the terms and condition of the settlement, arrived at and signed by both the parties in mediation.
7. With the aforesaid observations and direction, this application is allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate, Patna, in connection with Phulwarisharif Police Station Case No. 393 of 2025, subject to the condition that the petitioner shall strictly abide by the terms and condition of the agreement, dated 14.10.2025.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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