

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 67974 of 2024

Arising Out of PS. Case No.-715 Year-2024 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Shailendra Kumar S/o Sachchidanand Bhagat @ Kanhaiya Bhagat R/o
Village- Bijbani, P.S.- Jitna, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Adarsh Singh, Adv. Mr. Khalid Faizam, Adv. Ms. Priyanka Singh, Adv.
For the Opposite Party/s :		Mr. Rajendra Nath Jha, APP
For the Informant/s	:	Mr. Y.V. Giri, Sr. Adv. Mr. Devashish Giri, Adv.

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

ORAL ORDER

5 10-10-2025 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Trial No. 4413 of 2023 arising out of
Complaint Case No. 715 of 2024 dated 01.04.2024 registered
for the offences punishable under Sections 323, 341, 379, 406,
420, 504 read with Section 34 of the Indian Penal Code and
Section 138 of the Negotiable Instruments Act.

3. As per the prosecution case, the petitioner and the
other three co-accused persons proposed to sell a two katha land



to the complainant for Rs. 32,30,000/-. The complainant paid the entire consideration amount in installments. Thereafter, the complainant requested the accused persons to get the said land registered but the accused persons started avoiding it. The co-accused Sachchidanand Bhagat @ Kanhaiya Bhagat said to the complainant that another person is ready to pay Rs. 5,00,000/- more than the fixed consideration amount, so he demanded Rs. 5 lakh from the complainant, due to that the complainant demanded his money back from the accused persons which was paid by him. Thereafter, the accused persons gave three cheques each for Rs. 9,90,000/- in total Rs. 29,70,000/- signed by the petitioner to the complainant and assured that the rest consideration amount of Rs. 2,60,000/- would be paid later. When the complainant presented three cheques before the Bank, the same was dishonoured due to insufficient money in the account of the accused person. On 17.03.2024, the complainant went to the house of the accused persons along with witnesses and demanded his money, to which the accused persons caught the complainant and dashed him on the ground and assaulted him with fists and slaps. The petitioner took out Rs. 3200/- from the pocket of the complainant and the co-accused Sonu Kumar snatched his wrist watch worth Rs. 2600/- and the co-accused



Sachchidanand Bhagat torn his cloth.

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 at para 3 of the bail petition. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner runs a shop of Carpenter, where brother of the complainant was working as helper and he had taken seven cheques from the petitioner, out of which three cheques have been used fraudulently by the complainant and there is nothing on record which shows that the petitioner had taken Rs. 32,30,000/- from the complainant to sell his land. The petitioner has no concern with the alleged offence. As per the mediation report (at Flag-C which is kept on the record), both the parties appeared in the Mediation Proceeding along with their respective counsels and resolved the dispute through the mediation proceeding on the following terms and conditions:-

(i). That after great persuasion, both the parties agreed to settle the dispute and for this the petitioner offered to pay Rs.10,00,000/- (Rupees Ten Lakh Only) and Rs.50,000/- (Rupees Fifty Thousand



Only) as litigation cost as full and final settlement amount to the Opposite Party No.2 (Ashram Kumar)/Complainant and the Complainant accepted the offer and gave his consent.

(ii). That petitioner agreed that the aforesaid amount shall be paid in two installments. First installment of Rs.5,00,000/-(Rupees Five Lakh) on or before 25th April, 2025, the payment shall be made through Bank Transfer and the second installment of Rs.5,50,000/-(Rupees Five Lakh Fifty Thousand) through Demand Draft will be given by the petitioner to the opposite party No.2 at the time of withdrawal of Complaint Case No.715 of 2024 before the Learned Court below.

(iii). That the Complainant/opposite party No.2 agreed on this payment and this settlement shall be full and final settlement and no party shall claim in



future against each other, in any manner related to present case.

(iv). That both the parties agreed that any case filed against each other shall be withdrawn after making full and final payment of Rs.10,50,000 (Rupees Ten Lakh Fifty Thousand).

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

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

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner. The informant through his learned counsel has appeared before this Court and stated that



he has received the total amount of Rs. 10,50,000/- from the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory 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, East Champaran, Motihari in connection with Trial No. 4413 of 2023 arising out of Complaint Case No. 715 of 2024 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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