

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69614 of 2024**

Arising Out of PS. Case No.-77 Year-2023 Thana- ITARHI District- Buxar

Chhathu singh Son of Late Sipahi Singh Village- Sarasti, Ps- itarhi, Dist-  
Buxar

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dr.Kamal Deo Sharma

For the Opposite Party/s : Mr.Ram Sumiran Rai

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      09-04-2025      1. Heard the parties.

2. The petitioner apprehends his arrest in connection with  
Itarhi P.S. Case No. 77 / 2023 dt. 17.03.2023 registered under  
Section 420, 406 of the I.P.C.

3. As per the first information report the petitioner borrowed  
a sum of Rs. 32,20,000/- from informant for purchase of JCB.  
The aforesaid amount was given by the informant to the  
petitioner on promise of the petitioner that he would pay back  
the amount in 3 to 4 days. The petitioner returned a sum of Rs.  
4,00,000/- on 26.11.2021 but the rest amount was not returned  
to the informant by the petitioner.

4. Learned counsel for the petitioner submits that it is true  
that petitioner had taken a loan of Rs. 32,20,000/- but he  
incurred loss in the business and could not repay the amount.



However, the matter was sent for mediation between the parties and the mediator has submitted mediation report incorporating the terms of settlement between the parties. Paragraph no. 2 of the agreement between the parties is quoted hereinbelow:-

“2. That both the parties agreed that the aforesaid amount shall be paid in three installments and the first installment of Rs. 5,00,000/- (Rupees Five Lacs) shall be paid on or before 15.11.2024 through in the name of Satyam Kumar Tiwari, current account no. 50200047876650, IFSC Code- HDFC0001652, HDFC Bank Buxar Branch. Next second installment of amount shall be paid Rs. 5,00,000/- (Rupees Five Lac) on or before 30.01.2025 and further last and final installment Rs. 11,00,000/- (Rupees Eleven Lacs) shall be paid on or before 30.06.2025.”

5. Learned counsel for the informant submits that petitioner failed to abide by the terms and conditions of the agreement and only paid a sum of Rs. 5,00,000/- as first installment and other two installments of Rs. 5,00,000/- and Rs. 11,00,000/- have not been paid as yet. He further submits that from the very inception intention of the petitioner was to deceive and cheat the informant of his hard earned money.

6. Learned counsel for the petitioner submits that he consulted his client for payment of 2<sup>nd</sup> and 3<sup>rd</sup> installment but he



refused to pay the same.

7. Having regard to the submissions made by the parties, taking into consideration the fact that petitioner voluntarily entered into agreement with the informant to pay back the entire amount in installments but now he turned around and refused to pay the amount accordingly I am not inclined to grant anticipatory bail to the petitioner. The application is dismissed.

**(Anil Kumar Sinha, J)**

praful/-

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