

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51099 of 2016

Arising Out of PS.Case No. -135 Year- 2015 Thana -LALGANJ District- VAISHALI(HAJIPUR)

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Shivnath Sah @ Lal Sah, son of Butan Sah, Resident of Village-
Laxminarayanpur, Police Station Lalganj, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Deo Mitra Shukla, son of Late Birendra Shukla, resident of Village-
Jalalpur, Police Station Lalganj, District Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 22-03-2017 Heard learned counsel for the petitioner, learned

counsel for Opposite Party No.2 and the learned A.P.P. for the

State.

Earlier bail was granted to Opposite Party No.2,
namely, Deo Mitra Shukla by this Court vide order dated
28.09.2016 passed in Cr. Misc. No. 37424 of 2016.

Allegation upon Opposite Party No.2 and three
others is that they stopped the informant, who is petitioner in the
present case, and one Babbu Thakur opened fire and others,
including Opposite Party No.2 snatched money and jewellery.
There was no allegation of causing injury on the informant-
petitioner against Opposite Party No.2 and observation was made



that the matters have been compromised between the parties duly signed by accused Babbu Thakur, Sujit Kumar and Opposite Party No.2.

Informant-petitioner has approached this Court for cancellation of bail by filing the present application granted to Opposite Party No.2 vide order dated 28.09.2016 passed in Cr. Misc. No. 37424 of 2016 stating therein that the signature on the compromise petition has been taken forcefully by Opposite Party No.2 for which he filed an application just the next day before the learned Chief Judicial Magistrate, Vaishali at Hajipur. Learned Court below has taken cognizance of the said fact vide its order dated 19.07.2016, but no further order has been annexed with the petition although on 20.07.2016 the other accused, namely, Babbu Thakur, who was in custody, had been video-conferenced.

Opposite Party No.2 has been granted Anticipatory bail by this Court vide order dated 28.09.2016 considering the relevant provisions of Section 307 of the Indian Penal Code and Section 27 of the Arms Act and the fact that the injury caused was not on vital part of the body, as submitted by Opposite Party No.2 in his bail petition.

Since the matter regarding forged signature on the compromise petition is pending before the learned Court below, it



will undertake exercise for finding out the veracity of the said submission, may be by an expert and the matter is not required to be adjudicated on that issue at present. Even otherwise, this Court while granting the privilege of bail has considered the matter in its entirety.

In the circumstances, order dated 28.09.2016 passed in Cr. Misc. No. 37424 of 2016 is not required to be interfered with. The application is dismissed.

(Nilu Agrawal, J.)

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