

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18434 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- SIKTA District- West Champaran

MD. FIROZ ALAM Son of Abdul Hai Resident of Village- Jhumka, P.S.-
Sikta, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Adv
For the Opposite Party/s	:	Mr. Bimlesh Kumar Pandey, Adv
		Mr. Amit Kumar Pandey, Adv
For State	:	Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 07-12-2021 Heard learned counsel appearing on behalf of the
petitioner, learned counsel appearing on behalf of the informant
and learned APP appearing on behalf of the State.

Petitioner seeks regular bail in connection with Sikta
P.S. Case No. 68 of 2020 registered for offences punishable
under Sections 376(g), 406, 420/34 of the Indian Penal Code
and Section 138 of the Negotiable Instrument Act.

Learned counsel appearing on behalf of the petitioner
submits that he has entered into compromise with the informant
and all the due amount has already been paid back to him. He
further submits that by way of supplementary affidavit he has
brought on record that the compromise petition has been jointly
signed by the informant as well as by the petitioner duly attested



by the Assistant Superintendent, District Jail, Bettiah which has already been filed in the Court of learned 4th Additional Sessions Judge, West Champaran, Bettiah on 23.11.2021. He further submits that petitioner is in custody since 16.08.2020 and hence, no purpose will resolve by keeping petitioner further in custody and as such he may be released on regular bail.

Learned A.P.P. on behalf of the State submits that the said compromise petition is not in accordance with the law and taking into consideration that the offence committed by the petitioner is punishable under Section 376(g), 406, 420/34 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

Considering the above mentioned facts and circumstances of the case and submission made by the learned counsel appearing on behalf of the informant that he has no objection if the petitioner is released on bail at this stage, let the petitioner above named, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Sikta P.S. Case No. 68 of 2020 subject to the following conditions:



(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

However, it is made clear that the Court below shall not be prejudiced either by the observation made in the present order or by the oral submission made by the learned counsel appearing on behalf of the informant and proceed in this case on its own merit.

(Purnendu Singh, J)

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