

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2222 of 2021**

Arising Out of PS. Case No.-289 Year-2020 Thana- SABAUR District- Bhagalpur

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ARUN MANDAL Son of Late Radho Mandal Resident of Village -
Mamalkha, P.S. - Sabour, District - Bhagalpur.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh,Advocate

For the Respondent/s : Ms.Usha Kumari,Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 29-06-2021 Learned counsel for the appellant undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Ms. Usha
Kumari, learned Spl.P.P. for the State.

The appellant in the present case is seeking to set
aside of the order dated 03.03.2021 passed by learned 3rd
Additional District & Sessions Judge-cum-Special Judge
(SC/ST) Bhagalpur in connection with Sabour P.S. Case No.
289 of 2020 & G.R. No. 183 of 2020 registered for the offences
punishable under Section 307 of the Indian Penal Code and
Section 27 of the Arms Act and Section 3(2)(v)(x) of SC/ST Act
whereby and whereunder the prayer for bail of the appellant was
rejected.



Learned counsel for the appellant submits that as per the prosecution story, the informant was sitting near Sthan in village Mamalkha then the appellant allegedly came there and fired at the face of the informant. The bullet hit in the mouth of the informant.

Learned counsel submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that both the parties have entered into a compromise and accordingly a compromise petition has been filed. The appellant is in jail since 05.02.2021 having no criminal antecedent.

Learned Spl.P.P. for the State has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the appellant that the appellant as well as the victim both are co-villagers and the appellant has otherwise no criminal antecedent, in order to live amicably in the same village both the parties have entered into a settlement/compromise and accordingly a compromise petition has been filed in the learned court below, this Court has noticed in the impugned order that the joint compromise petition has been filed on the record although the



case under Section 307 I.P.C. is not a compoundable but, considering that the appellant has remained in jail in connection with the present case since 05.02.2021, investigation against him is complete and now both the parties want to live amicably in the village, this Court directs release of the appellant above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST), Bhagalpur in connection with Sabour P.S. Case No. 289 of 2020 & G.R. No. 183 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall



verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The appeal stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

