

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32888 of 2021

Arising Out of PS. Case No.-423 Year-2020 Thana- HILSA District- Nalanda

SUMINDRA PRASAD S/o Late Fagu Gope R/o village- Kaushik Nagar,
Hilsa, P.S.- Hilsa, District- Nalanda, State- Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh- Advocate
For the Opposite Party/s : Mr. Narsingh Tanti- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Hilsa P.
S. Case No.423 of 2020, instituted for the offences under
Sections 304(B), 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 12.01.2021 and he is a person with
clean antecedent, charge-sheet has been submitted in this case.

The learned counsel for the petitioner submits that
from perusal of the allegation as alleged in the F.I.R., it would
manifest that the informant alleges that his daughter was
married to Raushan Kumar in the Year 2015 and she lived
peacefully about three and half years thereafter demand of
Apache motorcycle started. The brother of the deceased also



came to pacify the issue. On 02.09.20220, the deceased informed the informant that her family members were assaulting her and are threatening to kill her.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case by the informant. He further submits that Hilsa P. S. Case No.55 of 2020 was instituted by the deceased for kidnapping of this petitioner by Sukhdev Prasad, but later, the deceased without the consent of this petitioner compromised the case with the accused of this case i.e. Sukhdev Prasad. On this, there was an altercation between the deceased and the petitioner as a result of which, the deceased committed suicide.

The learned counsel for the petitioner further submits that the informant realizing his mistake has also filed compromised petition in the Court below on 15.10.2020. The learned counsel for the petitioner submits that since the informant has compromised the case realizing his mistake, as such, petitioner be enlarged on bail.

The learned A.P.P. for the State opposes the bail application and submits that though it is submitted that petitioner and the informant has compromised the case, but there is no compromise petition on record.



Considering the fact that the case has been compromised and the petitioner is in custody since 12.01.2021 and he is a person with clean antecedent, charge-sheet has been submitted in this case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Hilsa, Nalanda in connection with Hilsa P. S. Case No.423 of 2020, only after the learned Court below is satisfied that the informant without any coercion or fear has entered into a compromise, has filed the compromise petition.

The application stands allowed.

(Satyavrat Verma, J)

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