

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.640 of 2021**

Arising Out of PS. Case No.-95 Year-2020 Thana- KADWA District- Katihar

1. Nand Kishor Chauhan
2. Amit Kumar Chauhan @ Mangal Chauhan S/o Nand Kishor Chauhan
3. Rekha Devi W/o Nand Kishor Chauhan All Resident of- Hachalpurpur, P.S.- Kadwa, District- Katihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Special P.P

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 01-11-2021 Heard Sri Sanjeev Kumar Singh, learned counsel for the appellants and learned Special PP for the State.

The present criminal appeal is directed against the order dated 03.09.2020 passed in ABP no. 21/2020 by Ist Addl. Sessions Judge-cum- Special Judge, Katihar in connection with Kadwa P.S. Case no. 95 of 2020 registered under sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code read with sections 3(i)(r)(s) of SC/ST Act whereby anticipatory bail of the appellants has been rejected.

Learned counsel for the appellants at the outset submits that appellants are persons with clean antecedent. Further he draws the attention of the court to submit that from perusal of



the FIR, it would manifest that the alleged occurrence is alleged to have taken place at the shop of appellant no.1 who is PDS dealer. Learned counsel for the appellants further submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant being journalist came to know that illegality was being committed at the shop of appellant no.1, he along with other journalist reached at the shop of appellant no.1 and in course of enquiry, there was a quarrel between them. Thereafter, appellant no.1 and others took mobiles and snatched Rs 2200/- from the informant and when the informant disclosed his caste, he was abused by taking his caste name.

Learned counsel for the appellants submits that at this stage matter has been compromised between the parties.

Learned Special PP has no objection, if provisional anticipatory bail is granted to the appellants subject to verification by the court below with regard to the statement made by learned counsel for the appellants about compromise.

Considering the submission made by learned counsel for the appellants that the matter has been compromised, appellants are directed to surrender in the court below on 25.11.2021 when the appellants shall be released provisionally



on anticipatory bail for a period of two months on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Ist Addl. Sessions Judge-cum- Special Judge, Katihar in connection with Kadwa P.S. Case no. 95 of 2020 subject to the condition under section 438(2) Cr.P.C.

Simultaneously, the court below shall issue notice to the informant and in the event the court below is satisfied that parties have compromised the case, provisional bail granted to the appellants shall be confirmed.

After the order was passed, learned counsel for the appellants submits that he may be permitted to make correction in para 1 of the memo of appeal whereby inadvertently, ABP number and relevant provisions as mentioned in the FIR have not been typed.

Learned counsel for the appellants is permitted to make necessary corrections in the memo of appeal.

(Satyavrat Verma, J)

s.hassan/-

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