

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11119 of 2021

Arising Out of PS. Case No.-287 Year-2020 Thana- BIHTA District- Patna

DHIRAJ RAI SON OF RAM BABU RAI Resident of Village- Bela, Police
Station- Bihta, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Shankar Kumar, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Mr. Kameshar Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-08-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Bihta PS Case No. 287 of 2020 registered under Sections 114, 147, 148, 149, 341, 313, 307, 504, 506 of the IPC and Section 27 of the Arms Act.

There is allegation that in course of scuffle the petitioner has fired upon the informant's uncle Dinesh Rai @ City Rai. He has sustained gun shot injuries.

Learned Counsel for the petitioner submits that the parties were having dispute since before and it was based on subsisting dispute that the scuffle took place between the parties. Counter version of the occurrence is to be found in Bihta PS Case



No. 293 of 2021. Delay in lodging of the FIR is indicative of falsity of the allegation. Petitioner is in jail since 22.6.2020. He further submits that the instant case as well as Bihta PS Case Nos. 293 of 2021 have been compromised between the parties though the offences are not compoundable. The parties have stated that they will not proceed with the prosecution any further. The fact of the compromise petition having been filed has been stated in the supplementary affidavit, and is supported by Counsel for the informant who has also joined these proceedings through virtual mode.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM I Danapur, Patna in Bihta PS Case No. 287 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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