

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38664 of 2021**

Arising Out of PS. Case No.-181 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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RUPESH KUMAR Son of Arjun Das Resident of - Ward No.-12, Naokothi,
Nowkothi, P.S.- Naokothi, Nowkothi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

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

3 11-01-2022 Heard learned counsel for the petitioner, Shri Nitya
Nand Tiwary, learned A.P.P. for the State and Shri Ravi Ranjan,
learned counsel for the informant through virtual court
proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Nowkothi P.S. Case No. 181 of 2020 instituted for the offences
under Sections 307, 120(B) and 34 of the Indian Penal Code
read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 20.01.2021, is a person with clean
antecedent and charge-sheet has been submitted in this case.

The informant in the FIR alleges that his brother



(Dharambir Kumar) was called by Madhukar Kumar his neighbour and after ten minutes, he heard the sound of firing and thus rushed outside his house and saw his brother lying in a pool of blood and saw the petitioner carrying a firearm who fled away on motorcycle with Madhukar Kumar. Further the injured also disclosed that he was shot dead by the petitioner.

Learned counsel for the petitioner submits that the firing was not intentional. Unintentionally the gun fired causing injury. Later, the parties realising the mistake of filing the case have compromised the case also and the compromise petition has been brought on the record by way of supplementary affidavit.

Learned counsel for the informant submits that his client is not giving any further instruction to him, as such, he is not aware that as to whether compromise has taken place between the parties or not.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 20.01.2021, charge-sheet has been submitted in this case, the petitioner is a person with clean antecedent and compromise has been entered into between the parties and the learned



counsel for the informant does not have any instruction as the client is not contacting him to make himself apprised as to whether the matter has been compromised or not let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai in connection with Nowkothi P.S. Case No. 181 of 2020.

(Satyavrat Verma, J)

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