

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40733 of 2022

Arising Out of PS. Case No.-534 Year-2018 Thana- MAJHAULIA District- West Champaran

Raj Kishor Gupta, S/O Shambhu Sah Resident Of Village- Madhopur Tola,
Vishunpur (Shripur Tola Vishunpur), P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Amit Patel, S/O Late Ram Pukar Patel Resident Of Village- Rilahi, Ward No.-2, P.S.- Majhauliya, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section 387
of the Indian Penal Code.

The learned counsel for the petitioner submits that
earlier his anticipatory bail application was rejected by order
dated 19.02.2021 in Cr. Misc. No.83601 of 2019. It is next
submitted that the gist of the allegation is that the petitioner took
on hire the tractor of the informant, but the petitioner did not
pay any instalment to the finance company nor the petitioner
paid any amount to the informant.



The learned counsel for the petitioner submits that based on the said allegation, his anticipatory bail application was rejected earlier as aforesaid. It is next submitted that the case is registered under Section 406 and 420 of the I.P.C. and the offences are compoundable. It is also submitted that the parties on intervention of the well-wishers have compromised the case as would be evident from Annexure-3 at Page-17. It is thus submitted that since the offences are compoundable and parties have compromised, now sending the petitioner to jail would not serve any useful purpose.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Majhauria P. S. Case No.534 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.



The learned trial Court before accepting the bail bonds shall verify from the informant whether the compromise arrived at between the parties is amicable or not and in the event, if the informant denies the compromise, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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