

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43718 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- SONEPUR District- Saran

Amrendra Kumar Singh Son of Tribhuwan Singh, R/O Village Parwejabad,
P.S- Sonpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

10 10-04-2023 Heard learned senior counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with S. Tr.
No. 298 of 2022 arising out of Sonapur P.S. Case No. 100 of
2022 dated 13.02.2022 registered for the offences punishable
under Sections 147, 148, 341, 342, 504, 506, 379, 323, 324,
325, 307/120B of the Indian Penal Code and 27 of Arms Act.

As per the prosecution, the informant was firstly
assaulted by the FIR named accused persons and thereafter this
petitioner fired at the informant's nephew due to which he
sustained fir-arm injury at his right underarm. Further it is
alleged that one accused person snatched a gold chain and a
cash of Rs. 40,000/- from the informant.



The main submissions advanced by the learned senior counsel for the petitioner are that the first part of the FIR goes to show that the informant's wife was a probable candidate of upcoming Ward election and the accused persons wanted to stop the informant's wife from contesting the said election and the same was the dominant intention of the accused persons for committing the alleged occurrence and in furtherance of the said intention when the informant and his nephew Aman Roy were returning after attending a marriage ceremony then altogether ten persons surrounded them and initially the accused persons started assaulting them by fists and legs which shows at that time there was no intention of the accused persons to kill anybody and when the informant's nephew Aman Roy, who is stated to be the main injured of this case, intervened then the accused persons including the petitioner fired at him and till that time as per the prosecution's story the intention of the accused persons including the petitioner was only to stop him from interfering and not the intention to kill him. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail for the last more than one year and against him investigation has been completed and in the present time both the parties have compromised the present



matter and they have filed a compromise petition before the trial court. It is further submitted that it is a well settled law that where the criminal wrong is basically private or personal in nature and the parties have resolved their entire dispute then in such a position the criminal proceeding in between them should be quashed and in this regard the observation made by Hon'ble High Court of *Jammu & Kashmir and Ladakh in the case of Sheikh Feroz Ahmad Vs. Union of Territory of J & K & Ors.* is relevant. Learned senior counsel has also placed reliance upon the judgment of Hon'ble Apex Court passed in the case of *Unnikrishnan @ Annikuttan vs. State of Kerala reported in AIR 2017 SC 1745.*

Learned APP appearing for the State has opposed the bail prayer but submitted that in view of the compromise made by both the parties a lenient approach may be taken in respect of the petitioner's prayer.

Considering the above submissions and mainly the petitioner's custody period and his clean antecedent and also the fact that against him the investigation has been completed, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, **let the petitioner be released on bail after framing of charge, if the same has not**



been framed, on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sonapur P.S. Case No. 100 of 2022.

(Shailendra Singh, J)

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