

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76338 of 2023

Arising Out of PS. Case No.-261 Year-2021 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Vikash Ray @ Vikash Kumar Son Of Shyamnandan Ray Resident Of Village - Barwa Khurd, P.S. - Kundwachainpur, District - East Champaran
 2. Manoj Ray @ Manoj Kumar Son Of Kapildeo Ray Resident Of Village - Barwa Khurd, P.S. - Kundwachainpur, District - East Champaran
 3. Ramadhar Ray Son Of Sharablal Ray Resident Of Village - Barwa Khurd, P.S. - Kundwachainpur, District - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-11-2023 1. Heard the learned counsel for the petitioners and
the learned APP for the State.

2. The learned counsel for the petitioners submits that earlier the petitioners had moved before this Court seeking anticipatory bail by filing Cr. Misc. No.60037/2022 but the same was permitted to be withdrawn by order dated 20.06.2023. The learned counsel next submits that in the changed circumstances, the second anticipatory bail application has been filed, as on intervention of the well-wishers, the parties have compromised the case. It is next submitted that from the side of petitioners also Kundwachainpur P.S. Case No.263/2021 was



instituted against the informant and others of Kundwachainpur P.S. Case No.261/2021. The learned counsel next submits no doubt, the F.I.R. was instituted under section 307 of the IPC read with other sections of the I.P.C. and Section 307 of the IPC is not compoundable but since the parties have compromised the case and they do not intend to pursue the case, as such, the case of the petitioners be considered. It is next submitted that from perusal of Annexure-3 to the anticipatory bail application, it would manifest that the parties have compromised.

3. The learned APP opposes.

4. Considering the submissions made by the learned counsel for the petitioners, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 5th Additional Chief Judicial Magistrate, Sikrahana at Dhaka, East Champaran, in connection with Kundwachainpur P.S. Case No. 261/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

5. The learned trial court before confirming the



provisional bail bonds of the petitioners, shall issue notice to the informant of Kundwachainpur P.S. Case No.261/2021 to verify whether the compromise is genuine or not. In the event if the informant of Kundwachainpur P.S. Case No.261/2021 disputes the compromise, in that event the provisional bail bonds of the petitioners shall be cancelled but if the informant of Kundwachainpur P.S. Case No.261/2021 accepts the compromise, in that event, the provisional bail bonds of the petitioners shall be confirmed.

(Satyavrat Verma, J)

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