

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.294 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- BENIPATTI District- Madhubani

1. Md. Sakir son of Md. Azam Village- Khoda Nagar W.No- 14, Ps- Chhatauri Dist- Motihari
2. Suraj Kumar son of Sri Narayan Sah Village- Meghvan Ps- Benipatti Dist- Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jay Ram Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 26-04-2024 Heard learned counsel for the appellants and learned
Special P.P. for the State.

2. The appellants have challenged the order dated 06.11.2023 passed by learned Additional Sessions Judge-I-cum-Special Judge, Madhubani in connection with Benipatti P.S. Case No. 79 of 2023 instituted for the offences punishable under Sections 341, 342, 323, 384, 386, 420, 504 and 506/34 of the Indian Penal Code whereby his prayer for being released on bail has been rejected.

3. Learned counsel for the appellant submits that the appellants have falsely been implicated in this case. He next submits that the appellants have got clean antecedent and they are in custody since 29.04.2023.

4. Learned Special P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the appellants.



5. On perusal of the first information report, case diary, injury report and impugned order dated 06.11.2023, it appears that both parties have compromised the case and it appears from the injury report that no any external visual injury seen on the body of the victim and the nature of injury is simple caused by hard and blunt substance and both parties have amicably settled the matter before the trial court and certified copy of the compromise petition has already annexed with the present petition and appellants have got clean antecedent.

6. Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 06.11.2023.

7. Accordingly, this appeal is allowed.

8. The appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Madhubani in connection with Benipatti P.S. Case No. 79 of 2023 .

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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