

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2668 of 2024

Arising Out of PS. Case No.-617 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

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Mominul Haque @ Md Moeenul Haque @ Mintu @ Monimul Haque S/O
Late Md Humayun @ Md Himmayu R/O Village/Mohalla-Miya Bazar, P.S.
Sadar, Distt-Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Uraon S/O Late Basant Uraon R/O Village-Mirjapur, P.S.-K.Nagar,
Distt-Purnea.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Kamal Kishore Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-09-2024 Heard learned counsel for the appellant and the learned
Special Public Prosecutor for the State.

2. The appellant has challenged the order dated 03.05.2024 passed by the learned Special Judge SC/ST Act Purnea in connection with K. Nagar P.S. Case No.617 of 2023 instituted for the offences under Sections 147, 341, 323, 325, 379, 465, 504 and 506 of the IPC and Section 3(1)(R)(S) SC/ST Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that appellant has antecedent of one case and has been falsely implicated in the instant case by the informant on account of dispute relating to land. It is next submitted that from perusal of



the allegation as alleged in the FIR, it would manifest that the FIR does not even remotely suggest that the occurrence was witnessed by any independent witness. It is also submitted that on intervention of well wisher the informant and the appellant have compromised the case on 30.01.2024 as would manifest from Annexure-2 to the appeal. It is thus submitted that no useful purpose would be served by sending the appellant to jail, when informant does not intend to continue with the case.

4. The learned Special P.P. opposes the bail application.

5. Regard being had to the aforesaid submissions, the order dated 03.05.2024 is set aside.

6. The appeal stands allowed.

7. The appellant 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 learned Special Judge SC/ST Act, Purnea in connection with K. Nagar P.S. Case No.617 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



8. However, the learned trial court before accepting the bail bonds of the appellant shall verify from the informant with regard to the genuineness of the compromise and in the event if the informant disputes the compromise, in that event, the present order shall not be given effect to.

(Satyavrat Verma, J)

Prakash Narayan

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