

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84826 of 2023

In
CRIMINAL MISCELLANEOUS No.35918 of 2022

Arising Out of PS. Case No.-66 Year-2021 Thana- BARURAJ District- Muzaffarpur

MD. MERAJ Son of Late Sheikh Idrish R/v - Baruraj, P.S. - Baruraj, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. ANISH ALAM S/o Sheikh Sabbir R/v - Mehendi Nagar, P.S. - Baruraj, Distt. - Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 20-09-2024 Heard the parties.

2. In this case, on the undertaking given by the petitioner that he will be paying Rs. 6,00,000/- to the informant, this Court had extended him privilege of bail on 19.09.2022.

3. The petitioner, however, chose not to pay the amount and enjoyed his judicial custody. Now, the present modification petition has been filed which include the joint compromise petition signed by the petitioner as also the informant. According to it, they have settled the dispute amicably and thus the supplementary affidavit/joint petition has been filed.

4. Considering the aforesaid facts, notice was issued



to the informant on 03.05.2024 and as per the report, it has been received by his mother. Further, opposite party no. 2 has also filed *Vakalatnama* through one Mr. Shashikant Yadav who remains absent today on call.

5. Considering the fact that the opposite party no. 2 has appeared though not present to confirm the signature of the informant, still going by the petition, the order dated 19.02.2022 is modified to the extent that the petitioner is not required to pay Rs. 6,00,000/- by Demand Draft to the informant, Md. Anish Alam.

6. It is made clear that this order has been passed only on the basis of the compromise petition which is on record and if it is found that the informant has not put in his signature and it is a forged document, the order shall become infructuous and the Trial Court shall proceed against the petitioner/the person who has put petition on affidavit against the petitioner.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each in connection with Baruraj P.S. Case No. 66 of 2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Muzaffarpur, subject to following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. The order dated 19.09.2022 in Cr. Misc. No. 35918 of 2022 stands modified.

(Rajiv Roy, J)

Vijay Singh/-

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