

IN THE COURT OF SESSIONS JUDGE, GAYA

Cri. Misc. No.- 497/2024

Sachin Kumar and Ors. Vs. The State of Bihar

Gaya Mufassil P.S Case No. 293/2017

24.04.2025

Case called out.

Heard.

Ld. Counsel appearing for the petitioner submits that vide order dated 11.04.2023 passed by ld. Predecessor of this court in ABP No. 35/2023, the prayer for anticipatory bail of the petitioners was favorably considered taking into account the previous enmity and insignificant injuries and also the factum of settlement and compromise between the parties but while passing the order granting anticipatory bail, the ld. Predecessor of this court had directed that the petitioners will file fresh compromise petition at the time of furnishing bail bond besides referring other conditions.

Ld. Counsel for the petitioner submits that after settlement and compromise, the informant has lost interest and despite the repeated persuasion made by the petitioners he is not willing to come to the court or to sign a fresh compromise petition but the fact remains to be that informant has not disputed the compromise petition till date.

Ld. Counsel further submits that they have filed this misc. application seeking modification of the aforesaid condition of filing a fresh compromise petition at the time of furnishing bail bond which was unnecessary and the petitioners cannot compel the informant to sign a fresh compromise petition and the petitioners are remediless as they could not move to the Hon'ble High Court since the prayer for anticipatory bail has already been considered favorably.

Taking into account the merits of the case, they are praying for passing appropriate directions so as to make that order granting anticipatory bail capable of compliance.

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Ld. P.P. submitted that the conditions imposed, need not to be modified.

I have considered the submissions as advanced by the parties. Without making any comment on such condition which in fact this court is not competent to release the responsibility enjoined upon this court and if the prayer for anticipatory bail was favorably considered the condition of bail must be capable of compliance or it could have been refused but since the prayer for anticipatory bail has already been considered by the Id. Predecessor of this court, it is directed that the petitioners if appear before the court concerned within a period of two weeks from the date of receipt of copy of this order whereupon their bail bond shall be accepted **provisionally** and the court concerned will issue notice to the informant to confirm the factum of compromise and in case no response is received from the informant within a period of two months, the court concerned shall confirm the bail bond of these petitioners. However, if the informant appears and disputes the factum of compromise, the petitioners shall surrender and pray for regular bail to which Id. counsel appearing for the petitioners Sri Kailash Roy has agreed.

With the aforesaid modification and direction, this misc. application is hereby disposed of.

(Dictated)

Sd/-

Sessions Judge, Gaya