

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.104 of 2014

Arising Out of PS.Case No. -2247 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

- =====
1. Aashish Maskara @ Aashish Kumar Maskara Son Of Sushil Kumar Maskara @ Ram Gopal Maskara, Resident Of Mohalla Jagir Ward No.-31, Near Jama Masjid, P.S.-Begusarai Town, District-Begusarai At Present Address Resident Of Sayed Mustafa Ali Road, Hakim Para, Ward No.-15, P.O. And P.S. Silliguri, District-Darjeeling (West Bengal).
 2. Sushil Kumar Maskara @ Sushil Kumar Maskara Son Of Late Brij Mohan Maskara, Resident Of Mohalla Jagir Ward No.-31, Near Jama Masjid, P.S.-Begusarai, District-Begusarai.

.... Petitioner/s

Versus

1. State Of Bihar
2. Gopal Kumar Son Of Sri Ram Chandrika Kumar Resident Of Village-Binodpur, P.S.-Muffasi, District-Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Opposite Party/s : Mr. Anil Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 28-07-2015 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor.

In spite of having noticed, O.P.No.2 did not appear.

The petitioners are aggrieved by order dated 03.10.2013 passed in Complaint Case No.2247-C of 2012, whereby and whereunder the prayer of the petitioners in terms of Section 245 of the Cr.P.C. has been rejected by the learned lower court.

Supplementary affidavit has been filed wherein an averment has been made that the case has been compromised between the parties.

At an earlier occasion, as is evident, cognizance was

taken for an offence punishable under Sections 406, 420 and 120B of the Indian Penal Code and Section 138 of N.I. Act, out of which, Section 138 of the N.I. Act is compoundable, while Sections 406 as well as 420 IPC is compoundable with the permission of the court. That being so, the matter is remitted to the learned lower court who will pass appropriate order in light of the compromise petition, in case of having on record supported by the rival parties.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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