

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21506 of 2017

Arising Out of PS.Case No. -1452 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Md. Yasin Son of Late Majid.
2. Md. Faiyaz @ Faiyaz, Son of Late Md. Tahir
3. Md. Aiyaz @ Md. Aiyyaz Son of Late Md. Tahir
4. Md. Salim, Son of Kalim, All Resident of Village- Adhang, P.S.
Jalalgarh, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Abdul Raquib, Son of Late Sk Aziz, Resident of Village- Adhang, P.S.
Jalalgarh, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Nadimul Hasan, Adv.
For the Opposite Party/s : Mr. Anisur Rahman, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 06-07-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

Earlier the petitioners had moved for grant of
anticipatory bail before this Court. However, the same was
dismissed as withdrawn.

The second application for grant of anticipatory bail
has been made on the ground that now the parties have settled
their dispute outside the Court and a compromise petition has been
filed in the court below.

Since the offence under Section 436 of the Indian



Penal Code is not compoundable in nature, filing of a compromise petition cannot be made a ground for renewal of prayer for grant of anticipatory bail. Accordingly, the application under Section 438 of the Code of Criminal Procedure is rejected.

However, if the petitioners surrender and seek bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

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