

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23 of 2016**

Arising Out of PS. Case No.-71 Year-1998 Thana- AGIAUN District- Bhojpur

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1. Dinesh Singh Son of kesho Singh
  2. Sitaram Singh son of Bhorik Singh
  3. Ram Sajan Singh@Sajan Singh son of Sri Sitaram Singh
  4. Hare Ram Singh Son of Sri Sita Ram Singh
  5. Ram Bali Singh son of Ram Sajan Singh
  6. Ram Pujan Singh@Pujan Singh son of Kesho Singh All resident of Village- Ramdihra, Police Station - Agiaon, District Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ramchandra Singh  
For the Opposite Party/s : Mr. P.N.Pandit (App)

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      13-08-2018              This petition has been filed under Section 482 Cr. P.C. for quashing the order dated 8.9.2015 passed by learned Additional Sessions Judge-5th, Bhojpur at Ara in Sessions Trial no. 120 of 2001 arising out of Agiaon (G) P.S. case no. 71 of 1998 by which the petition dated 12.8.2015 for recalling the prosecution witnesses for cross-examination on the point of compromise by the parties has been rejected.

Heard learned counsel for the petitioners and learned counsel for the State.

From the written report, it appears that during the occurrence two persons have sustained fire arm injury. One



person has sustained fire arm injury on the stomach and one person has sustained fire arm injury on the shoulder.

Learned counsel for the petitioner has submitted that after framing of charge ten witnesses have already been examined. It is further submitted that during pendency of the case one compromise petition has been filed duly signed by injured Ram Dular Singh and Jamindar Yadav @ Jamindar Singh and the accused persons. In this case informant has been examined as PW-7 who subsequently died. The learned counsel for the petitioners has submitted that parties have compromised and court below has committed illegality in passing impugned order.

The Hon'ble Supreme Court in judgment reported in **2014(4) (SC)PLJR 518 (Yogendra Yadav & Ors. Vs. State of Jharkhand & Anr.)** has held that offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing because they have harmful effect on society as such offences are not restricted to two individuals or groups and may send wrong signal to society.

This Court finds that filing of the compromise petition after examination of ten prosecution witnesses is only tampering of evidence by the accused persons. The offence



under Section 307 I.P.C. is not compoundable.

The Sessions Judge has mentioned in the order dated similar petition was earlier filed by the petitioner on 30.1.2013, which was rejected on 26.9.2013. Therefore, this Court does not find any illegality in the impugned order dated 8.9.2015 passed by learned Additional Sessions Judge-5th, Bhojpur at Ara in Sessions Trial no. 120 of 2001 arising out of Agiaon (G) P.S. case no. 71 of 1998.

This Cr. Misc. petition is, accordingly, dismissed.

The Court below will proceed in the trial on the basis of the evidence available on record in accordance with law.

**(Sanjay Priya, J)**

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