

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19908 of 2019

Arising Out of PS. Case No.-96 Year-2018 Thana- ABADPUR District- Katihar

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MISTER @ MD. MISTAR Son of Late Samsul Haque, Resident of village-
Bhawanipur, P.S.-Abadpur, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

This application under Section 438 of the Code of Criminal Procedure has been filed by the petitioner for grant of pre-arrest bail in connection with Abadpur P.S. Case No. 96 of 2018 dated 20.08.2018 registered under Sections 379 and 411 of the Indian Penal Code.

A similar application of the petitioner was earlier rejected by this Court vide order dated 18.12.2018 passed in Cr. Misc. No. 68769 of 2018.

Learned counsel for the petitioner submitted that subsequent to the rejection of pre-arrest bail application of the petitioner, a joint compromise petition was filed before the court of Magistrate on 11.02.2019. He contended that in view of the



amicable settlement between the parties, the petitioner has renewed the instant application, which requires a sympathetic consideration.

The offence alleged is not compoundable in nature. In that view of the matter, I see no reason to take a different view of the matter. The application is rejected.

However, in case, the petitioner surrenders and seeks bail, the court below shall look into the bonafide of the compromise petition while passing the order on merit under Section 437 of the Code of Criminal Procedure without being prejudiced by any order passed by this Court.

(Ashwani Kumar Singh, J)

pradeep/sneha

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