

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77833 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- SALAKHUA District- Saharsa

1. Md. Faruque @ Faruque (M) Son of Fariduddin aged about 40 years
2. Bibi Rubeda @ Bibi Sakina @ Sakina (F) aged about 36 years wife of Farukhuddin
3. Bibi Farida @ Bibi Gulsan (F) aged about 38 years, wife of Kesharuddin @ Md. Kesier
4. Md. Azhar @ Azhar Hussain @ Azhar (M) aged about 25 years son of Saphayad Mian
5. Sudin Yadav (M) aged about 38 years son of Chalitar Yadav of village Korlaha, P.S. Salkhua, District- Saharsa.

Petitioner No. 1 to 4 are resident of village-Hareba, Ward No. 11,
P.S. Salkhua, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Mukund, Advocate
For the State	:	Mr. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Anil Kumar Mukund, learned counsel for the petitioners and Ms. Anita Kumari Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Salkhua PS Case No. 67/2019 dated 03.04.2019, instituted



under Sections 341/323/325/307/354/354(B)/379/34 of the Indian Penal Code and 3/4 of the Daain Prohibition Act.

4. The allegation against the petitioners, along with four others, is of taunting the mother-in-law of the complainant/informant, calling her Daain and, thereafter, assaulting her and also taking away cash of rupees twenty thousand and two goats worth rupees twelve thousand.

5. Learned counsel for the petitioners submitted that the allegation is false and the complaint was lodged in the year 2017, but the FIR has been lodged in the year 2019. Learned counsel submitted that the parties have also compromised the matter. It was submitted that there is only allegation of taunting by calling the mother-in-law of the informant a Daain, which is not a serious issue and with regard to the injuries, no supporting document has been brought on record.

6. Learned APP submitted that as per the allegation, there was brutal assault in which the leg of the mother-in-law of the informant was also broken and there were various other injuries. It was submitted that at this stage, there is no occasion for the Court to disbelieve the allegation as there does not appear to be any super-addition in the same. Learned counsel submitted that as far as the compromise is concerned, it is for



the Court below to consider the same at the appropriate stage after hearing the parties. Learned counsel drew the attention of the Court to order of the Court below in which the concluding paragraph reads as under:

“6. Considering the aforesaid facts and circumstances of the case, the compromise between the parties, the petitioners are directed to surrender before the learned court below within 15 days from the date of this order seeking regular bail and the learned Court below will pass order on the same day considering the aforesaid facts on its own and the compromise between the parties without being prejudiced by this order. Accordingly, this A.B.A. stands disposed of.”

7. Learned APP submitted that in view of the aforesaid observation, the petitioners should have complied with the direction to surrender before the Court below as there was already direction that the application be disposed off on the same day considering the aforesaid facts on its own and the compromise between the parties.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not feel inclined to pass any specific order. It shall be open to the petitioners to comply with the aforesaid direction



at the concluding paragraph of the order of the Sessions Judge, Saharsa in his order dated 16.09.2019 passed in A.B.A. No. 525 of 2019. However, the time indicated for the petitioners to surrender before the Court below of fifteen days stands modified to four weeks from today.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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