

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68278 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- Araria Sangram District- Madhubani

Santosh Kumar Roy @ Santosh Ray S/o Bhagwat Roy Resident of village -
Parmanandpur, P.S - Arariya Sangram, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate.

For the Opposite Party/s : Dr. Indihar Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-09-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Arariya Sangram P.S. Case No. 27 of 2025 registered for the offence punishable under Sections 127(1), 115(2), 109, 74, 352, 351(2) and 3(5) of the B.N.S.

3. As per the allegation made in the FIR, the petitioner along with other accused persons had assaulted the informant and his family members causing injury.

4. Learned counsel appearing on behalf of the petitioner without going into the merits of the case informs that the petitioner and informant are *agnates* and due to land dispute, an altercation took place between the parties, for which the present FIR has been lodged. Considering the fight between the



parties who are agnates, the matter can be settled amicably.

5. Learned APP for the State vehemently opposed the bail application.

6. Heard the parties.

7. The parties are agnates and the present dispute arises due to previous land dispute between the parties. In this regard, I find it apt to refer the law laid down by the Apex Court in the case of ***Gian Singh Vs. State of Punjab***, reported in ***(2010) 15 SCC 118*** and the case of ***Narinder Singh and Ors. Vs. State of Punjab & Anr.*** reported in ***(2014) SCC OnLine SC 265***.

8. The Apex Court in the case of ***Yogendra Yadav & Ors. Vs. State of Jharkhand & Anr.*** reported in ***(2014) 9 SCC 653*** in Paragraph Nos. 4 & 5 has held as under:

“4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 IPC which are non-compoundable? Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988]). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder, etc. cannot be effaced by quashing the proceedings because



that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

5. In Gian Singh [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] this Court has observed that: (SCC p. 340, para 58)

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.” Needless to say that the above observations are applicable to this Court also.”

9. The petitioner is directed to appear before the learned District Court on 15.10.2025 at 10:30 AM.

10. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center after noticing the informant.

11. Learned Mediator of the District Mediation Center concerned shall make his/her best efforts to settle the dispute amicably and thereafter submit his/her report before the concerned learned District Court, well within a period of four months, till then, no coercive action shall be taken against the petitioners in connection with the aforesaid case.



12. In case of failure on the part of the petitioner to appear on 15.10.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner shall automatically lose its force.

13. In case, the parties fail to reconcile, the parties may avail appropriate remedy in accordance with law.

14. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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