

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85058 of 2025

In

CRIMINAL MISCELLANEOUS No.65535 of 2025

Arising Out of PS. Case No.-130 Year-2021 Thana- KATRA District- Muzaffarpur

1. Mohammad Siraj S/o- Mohammad Ayub @ Md. Ayub @ Juhi @ Mohammad Aub Resident of Village-Fatehpur PS- Katra Dist-Muzaffarpur, A/P- L/38, 4th floor, West Chowbhaga, Tiljala, VIP Nagar South 24 Parganas Ps- Ammodpur W.B
2. Md. Saiddam Hussain @ Saddam S/o- Mohammed Ayub @ Md. Ahub @ Juhi @ Mohammad Aub Resident of Village-Fatehpur PS- Katra Dist-Muzaffarpur, A/P- L/38, 4th floor, West Chowbhaga, Tiljala, VIP Nagar South 24 Parganas Ps- Ammodpur W.B
3. Mohammed Kalam S/o- Mohammed Khalil Resident of Village-Fatehpur PS- Katra Dist-Muzaffarpur, A/P- L/38, 4th floor, West Chowbhaga, Tiljala, VIP Nagar South 24 Parganas Ps- Ammodpur W.B
4. Mohammed Irshad S/o- Mohammed Ayub @ Md. Ayub @ Juhi @ Mohammad Aub Resident of Village-Fatehpur PS- Katra Dist-Muzaffarpur, A/P- L/38, 4th floor, West Chowbhaga, Tiljala, VIP Nagar South 24 Parganas Ps- Ammodpur W.B
5. Mohammed Azad @ Pinku S/o- Mohammed Ayub @ Md. Ayub @ Juhi @ Mohammad Aub Resident of Village-Fatehpur PS- Katra Dist-Muzaffarpur, A/P- L/38, 4th floor, West Chowbhaga, Tiljala, VIP Nagar South 24 Parganas Ps- Ammodpur W.B
6. Mohammed Naushad S/o- Mohammed Ayub @ Md. Ayub @ Juhi @ Md. Mohammad Aub Resident of Village-Fatehpur PS- Katra Dist-Muzaffarpur, A/P- L/38, 4th floor, West Chowbhaga, Tiljala, VIP Nagar South 24 Parganas Ps- Ammodpur W.B

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mani Bhushan Kumar, Advocate.
For the State	:	Mr.Rajesh Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-12-2025 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

2. Learned counsel appearing on behalf of the
petitioners seeks modification for clarifying the order dated
15.09.2025 passed in Cr. Misc. No. 65535 of 2025, as the



concerned learned District Court has not understood the said order.

3. This Court vide order dated 15.09.2025, in the facts and circumstances and evidences available on the record after hearing both the parties, found that the parties may negotiate and get rid of the criminal prosecution.

4. It is submitted on behalf of the petitioners that compromise can only be arrived at, when the petitioners are given some protection. It has orally been submitted that learned District Court has failed to explain why opportunity was not given to the parties in such circumstances and has proceeded in mechanical manner.

5. This Court is constraint to make observation that the learned District Court concerned must make itself aware about its jurisdiction, particularly the present one, in which, allegation is not against the society in the background of the observation made in the order dated 15.09.2025 and the law laid down by the Apex Court in the case of *Naushey Ali & Ors. Vs. State of U.P., reported in (2025) 4 SCC 78*, especially when the parties want to enter into amicable settlement or compromise.

6. Record reveals that an affidavit has been filed on behalf of the petitioners, wherein specific information has been



given in Paragraph Nos. 1 to 6, which are reproduced hereinafter:

“1. That in the aforesaid case parties have settled and compromise their dispute outside the Court with good wishes and help of their well wisher.

2. That the parties do not want to proceed further in this case.

3. That the parties have also settled other criminal disputes filed against each other which is pending in Civil Court Muzaffarpur, East Mahila P.S. Case No. 50 of 2021, Katra P.S. Case No. 131 of 2021 and Katra P.S. Case No. 130 of 2021.

4. That parties are ready to withdraw the cases file against each other which is pending in the Civil Court Muzaffarpur.

5. That the wife of petitioner who is living with her father at present, remarried with another boy and leaved the house of her parents.

6. That in the facts and circumstances of the case the Case No. 425 of 2023 as well as other cases, Parties want to withdraw the cases filed against each other.”

7. This Court directs the investigating officer concerned in the present case not to arrest the petitioners till the petitioners arrive at a settlement with the opposite party no.2.

8. The learned District Court after verifying the records in respect of above information may proceed to pass order in accordance with the law laid down by the Apex Court.

9. Accordingly, the modification application stands disposed of.

(Purnendu Singh, J)

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