IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40755 of 2026

Arising Out of PS. Case No.-480 Year-2021 Thana- SUGAULI District- East Champaran

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Shayam Mishra @ Shayam Kumar S/o Rajendra Mishra Resident of Village - Ward No.-04, Badhurupiya, P.O. and P.S. - Sugauli, District - East Champaran

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr.Prateek Tandon, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 25-06-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. This is the second prayer of anticipatory bail, as preferred by the petitioner in connection with Sugauli P.S. Case No. 480 of 2021 registered for the offence under sections 147, 149, 341, 323, 324, 307, 384, 379, 504 & 506 of the I.P.C., after rejection of his first anticipatory bail through Cr. Misc. No. 2413 of 2023 dated 09.02.2023, wherein considering all available materials, as petitioner was specifically alleged to cause stab wound due to which the injured sustained grievous injury, his prayer of anticipatory bail was rejected.

3. The present second anticipatory bail petition has been preferred on the sole ground that now this matter was compromised between the parties in terms of **Annexure 'P/2'.**

4. It is submitted by learned counsel appearing on

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behalf of the petitioner that the occurrence was free-fight in nature and petitioner's side had also received injury during the occurrence.

5. It is further submitted that now the petitioner selected in Group 'D' service of Indian Railway, therefore, in view of compromise, by sending the petitioner to jail would not serve any purpose of justice. In support of his submission, learned counsel relied upon the legal report as available through **Naushey Ali vs. State of U.P.** reported in **2025 SCC OnLine SC 292**, where learned counsel has referred **Para-22** of the judgment, which runs as under:-

> **"22.** In *Ramgopal* v. *State of M.P. (2022) 14 SCC 531*, Surya Kant, J. speaking for this court, in a case involving a charge under Section 326 IPC, while annulling the proceedings, felicitously set out the statement of law and applied it to the facts of the said case as under:-
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> > "19. We thus sum up and hold that as opposed to Section 320 CrPC where the Court is squarely guided by the compromise between the parties in respect of offences "compoundable" within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 CrPC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 CrPC. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:
> >
> > 19.1. Nature and effect of the offence on the

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conscience of the society;

19.2. Seriousness of the injury, if any;

19.3 Voluntary nature of compromise between the accused and the victim; and

19.4 Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

20. Having appraised the aforestated parameters and weighing upon the peculiar facts and circumstances of the two appeals before us, we are inclined to invoke powers under Article 142 and quash the criminal proceedings and consequently set aside the conviction in both the appeals. We say so for the reasons that:

20.1. Firstly, the occurrence(s) involved in these appeals can be categorised as purely personal or having overtones of criminal proceedings of private nature.

20.2. Secondly, the nature of injuries incurred, for which the appellants have been convicted, do not appear to exhibit their mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest.

20.3. Thirdly, given the nature of the offence and injuries, it is immaterial that the trial against the appellants had been concluded or their appeal(s) against conviction stand dismissed.

20.4. Fourthly, the parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s).

20.5. Fifthly, the occurrence(s) in both the cases took place way back in the years 2000

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> and 1995, respectively. There is nothing on record to evince that either before or after the purported compromise, any untoward incident transpired between the parties.
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> 20.6. Sixthly, since the appellants and the complainant(s) are residents of the same village(s) and/or work in close vicinity, the quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill will and have no vengeance against each other.
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> 20.7. Seventhly, the cause of administration of criminal justice system would remain un-effected on acceptance of the amicable settlement between the parties and/or resultant acquittal of the appellants; more so looking at their present age."

6. Learned A.P.P. for the State, while opposing the prayer of anticipatory bail of the petitioner, submitted that considering all available materials, the prayer of first anticipatory bail of the petitioner was rejected and, therefore, there is no occasion to reconsider this second prayer of anticipatory bail of the petitioner without having any changed circumstances, which would amount to review of earlier order passed by learned coordinate Bench of this Court, which is not permissible under law.

7. It is also submitted by learned A.P.P. that the offence, as alleged, is not compoundable in nature and, therefore,

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compromise is of no bearing.

8. In view of aforesaid factual submission and by taking note of the fact as *prima facie* on the basis of subsequent compromise for non-compoundable offence, the earlier rejection order, which was passed by one of the learned coordinate Bench of this Court, cannot be reviewed by this Court, accordingly, on second consideration also, prayer of anticipatory bail of the petitioner stands rejected.

(Chandra Shekhar Jha, J)

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