

Braj Mohan Singh Vs. the State of Bihar

Braj Mohan Singh Vs. the State of Bihar

SooperKanoon Citation : sooperkanoon.com/974539

Court : Patna

Decided On : May-12-2012

Appellant : Braj Mohan Singh

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.1638 of 2012 Braj Mohan Singh, Son of Late Biswanath Prasad Singh, At + P.O.- Neknampur, P.S. Deoria, District Muzaffarpur Versus The State Of Bihar ----- 02/ 12.01.2012 Heard learned counsel for the petitioner and the State. Petitioner herein was allowed the privilege of bail in the event of arrest under orders dated 10.7.2009 passed in Cr. Misc. No. 5196 of 2009 duly modified under orders dated 7.12.2011 passed in Cr. Misc. No. 41185 of 2011. He has approached this Court again stating that before petitioner could comply the modified order dated 7.12.2011 by appearing in the court below, complainant left for heavenly abode and petitioner is not being allowed to resolve the dispute with the son of the complainant outside the court, as according to the Chief Judicial Magistrate, Begusarai, there is no provision to substitute the complainant. In this connection, I may refer to sub-section (4) (b) of Section 320 of the Cr.P.C., which enables the legal representative of the deceased complainant to compound an offence with the consent of the Court. 2 Let the court below first confirm the demise of the complainant and substitute the son of the complainant and thereafter compound the offence against the petitioner, if the son of the complainant is agreeable to compound the offence then pass appropriate order in

accordance with law. In compliance of this order, petitioner should appear along with the son of the complainant in the court below within four weeks from the date of receipt of this order in the court below. This application is, accordingly, disposed of. Let this order be communicated to the court of Chief Judicial Magistrate, Begusarai in connection with Barauni P.S. Case No. 399 of 2006 through fax on payment of usual charges by the petitioner. Arjun/ (V. N. Sinha, J.)

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com