

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 17132 of 2011

Arising out of P.S. Case No. -91 Year- 2001 Thana -Dhanrua
District- PATNA

Prasidh Narain Singh S/o Late Ram Gulam Singh Resident of Village
Moglan Chak, P.S. Dhanrua, Distt. Patna. Petitioner/s
Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Officer In-charge, Didarganj, Police Station Patna.
5. Surendra Prasad @ Sailendra Prasad, Son of Dehati Roy alias
Hari Rai, Resident of Mohalla-Noorpura, P.S.-Didarganj, Dist.-
Patna.
6. Naresh Prasad.
7. Awadhesh Prasad.
8. Mukesh Prasad.

All son of Late Raujdari Pd. All resident of Village-Begampur,
Sidha Baza Near Old Mosque, P.S.-Chauk Patna City, Dist. Patna
at present Proprietor Mahabir Transport Devi Asthan Maroof
Ganj, P.S.-Malsalami, Dist.-Patna. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nand Kishore Pd. Sinha, Adv.

For the Opposite Party/s : Mr. Gajendra Pd. Yadav, APP.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-03-2015

The Petitioner who is the Informant seeks
quashing of the order dated 10.09.2009 passed by the
Judicial Magistrate, 1st Class, Masaurhi, Patna in
Complaint Case No. 91 of 2001 (G.R. No. 213 of 2001/Tr.
No. 1204 of 2009) on the ground that the accused
persons have absconded and, therefore, consigned the
records in the case.

The Petitioner submits that it is well within the
powers of the Magistrate to summon the accused,
Opposite Party No. 5.

Notices had been issued to the Opposite Party No. 5 but the process server reported that the Opposite Party No. 5 was out of station.

It has been submitted that the Opposite Party No. 5 is very much available in his village.

In view of such, the Petitioner is directed to file an application before the Sr. S.P. Patna giving full details of the Opposite Party No. 5 who shall refer the matter to the concerned Officer In-charge for production of the Opposite Party No. 5 before the Court below. When the Opposite Party No. 5 appears it will be open to the Court below to proceed in trial as required.

With these observations, the Application is disposed off.

(Anjana Prakash, J.)

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