

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26241 of 2015

Arising Out of PS.Case No. -33 Year- 1987 Thana -SIWAN COMPLAINT CASE District- SIWAN
=====

Laxman Manjhi (Chaukidar), son of Bachcha Manjhi, Resident of Village
and Police Station - Bhagwanpur Hat, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Om Prakash Singh, S/o Late Bhagelu Singh, Resident of Village -
Piparhiyan, P.S. - Bhagwanpur, District - Siwan.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the State : Mr. J. N. Thakur, APP
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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-04-2017 Heard learned counsel for the petitioner and the State.

The present application has been filed for quashing of the order dated 22.12.2012 passed by learned SDJM, Siwan, in Complaint Case No.33 of 1987 whereby process has been directed to be issued after cognizance being taken for the offences punishable under Sections 342, 302/34, 120B of the Indian Penal Code whereby the petitioner has been declared absconder.

The prosecution case is that one Bhagelu Singh filed Complaint Case No.33 of 1987 on 13.07.1987 before the learned CJM, Siwan, alleging therein that Babu Lal Das, Assistant Sub-Inspector, Bhagwanpur Hat and the petitioner Chaukidar Laxman Manjhi came and arrested the son of the complainant namely



Surendra and took him to the police station and thereafter assaulted him brutally, as a result he died on 09.07.87.

It is submitted by learned counsel for the petitioner that Complaint Case No. 33 of 1987 was filed on 13.07.1987 but it was dismissed under section 203 of the Code of Criminal Procedure by the learned SDJM, Siwan, vide order dated 09.04.2003 on the ground of delay caused in filing of the complaint. Thereafter, the complainant preferred Cr. Rev. No.171/2003 challenging the order dated 09.04.2003 passed by the learned SDJM, Siwan, in Complaint Case No.33 of 1987 which was allowed. In pursuance to Revisional order, the learned SDJM, Siwan, vide order dated 10.03.2006 passed in Complaint Case No.33 of 1987 directed for issuance of summons after cognizance being taken, but after issuance of process, till passing of the impugned order whereby the petitioner has been declared absconder, process has not been served upon the petitioner.

It appears that the petitioner first preferred anticipatory bail application before the learned Sessions Judge and thereafter before this Court vide Criminal Miscellaneous No.5778/2015, which was dismissed vide order dated 11.02.2015 passed by a co-ordinate Bench of this Court and thereafter on 04.06.2015, the present application was filed.



It is a gross case where the petitioner is avoiding the process of Court. Hence, this Court finds no merit in this application.

Accordingly, it is hereby dismissed.

It is expected that the petitioner will surrender before the learned Court below positively within a period of four weeks from today in connection with Complaint Case No.33 of 1987. It is expected from the Superintendent of Police, Siwan, and the learned Court below to take all coercive measures permissible under law to ensure the arrest of the petitioner, if he fails to surrender within a period of four weeks.

Let a copy of this order be transmitted to the learned Court below as well as the Superintendent of Police, Siwan.

(Dinesh Kumar Singh, J)

Ashwini/-

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