

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4896 of 2016

Arising Out of PS.Case No. -64 Year- 1988 Thana -BIHTA District- PATNA

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1. Ram Murari Singh @ Ram Murari Sharma son of Late Ramashray Singh,
permanent resident of village- Makhdumpur, P.S.- Bihta, District- Patna,
presently residing at 41 P.N. Ghosh Road, Howrah, West Bengal

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Narayansingh

For the Opposite Party/s : Mr. (Dr.) Rabindra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-09-2018 Heard the learned counsel for the petitioner and the

State.

The present petition has been filed for quashing the
entire proceeding against the petitioner pending before learned
Additional District & Sessions Judge Vth, Danapur, Patna in S.T.
NO. 877(A) of 1988/ 498 of 2015, arising out of Bihta P.S. Case
No. 64/1988 on the ground that several irregularities have been
committed by the court below.

Xerox copy of order-sheet has been enclosed with
this petition. From perusal of order-sheet, it appears that petitioner
did not appear before the court below. Charge-sheet has been
submitted against the petitioner showing him absconder. After
submission of charge-sheet, the petitioner did not appear before



the court below then he was declared absconder and his case was separated and committed to the court of Sessions. Still the petitioner is not appearing before the court below.

Learned counsel for the petitioner has submitted that the petitioner was juvenile at the time of lodging of the case, i.e. Bihta P.S. Case No. 64/1988.

This Court is of the view that all the submissions made on behalf of petitioner can be considered by the court below only after appearance of the petitioner in court.

Accordingly, this quashing petition is dismissed.

The petitioner is directed to surrender in the court below and raise all the points, which shall be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J.)

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