

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.650 of 2016

Arising Out of PS. Case No.-80 Year-1990 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Ajit Kumar Thakur, aged about 45 years, son of Late Laxmi Kant Thakur
resident of Village- Dayalpur, P.O.- Jhandapur, P.S.- Bihpur, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar
For the Opposite Party/s : Mr. Ajay Kumar Jha(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-09-2018 This petition under Section 482 Cr. P.C. has been filed

for quashing the entire criminal proceeding initiated against the
petitioner including the orders dated 5.10.1999 by which the
bail bond executed by the petitioner has been cancelled; order
dated 26.9. 2005 by which non bailable warrant has been
issued; order dated 21.12.2005 by which non-bailable warrant
and attachment of property have been issued, order dated
1.9.2008 by which non- bailable warrant and process under
Sections 82 and 83 Cr.P.C. have been issued and order dated
15.9.2012 by which permanent warrant of arrest has been



issued against the petitioner declaring him absconder, passed by the Court of Fast Track Court no. 4th, Muzaffarpur in Sessions Trial no. 173 of 1992, arising out of Kazi Mohammadpur P.S. case no. 80 of 1990.

It is mentioned in the impugned order that the case is of the year 1990 and in spite of issuance of N.B.W. and process under Section 82 and 83 Cr. P.C. the petitioner did not appear and thereafter he has been declared absconder by order dated 15.9.2012 and permanent warrant of arrest has been issued against him.

Learned counsel for the petitioner has submitted that no service report is available of any process on the record. He has no knowledge of issuance of those processes. This Court finds that permanent warrant has been issued against the petitioner on 15.9.12 and this petitioner has absconded even after issuance of permanent warrant for more than five years. Therefore, this Court is not inclined to interfere with the impugned order.

This Cr. Misc. petition is dismissed.

The petitioner is, however, directed to surrender in the Court below within a period of four weeks from the date of receipt of this order and the court below will pass appropriate



order, if possible on the same day, in accordance with law on its
own merit without being prejudiced by this order.

(Sanjay Priya, J)

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