

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1142 of 2019

Arising Out of PS. Case No.-1516 Year-2013 Thana- COMPLAINT CASE District- Jamui

Jagat Kumar Yadav, Son of Bhuneshwar Yadav, Resident of Village - Vogiya,
P.S.- Sono, District- Jamui

... .. Petitioner

Versus

1. The State of Bihar through Home Commissioner, Police Department,
Government of Bihar, Old Secretariat, Patna.
2. The Superintendent of Police, District- Jamui
3. The Dy. S.P. District- Jamui.
4. Officer in-charge, P.S.- Sono, District- Jamui.
5. Ram Sarup Yadav, Son of Bimal Yadav, Resident of Village - Varmasia, P.S.-
Jhajha, District- Jamui

... .. Respondents

Appearance :

For the Petitioner : Mr. Pramod Kumar, Advocate

For the Respondents-State: Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 06-08-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

2. This application under Articles 226 and 227 of the
Constitution of India has been filed by the petitioner for directing
the respondents to arrest the respondent no. 5, who is absconding
after taking bail in connection with Complaint Case No.1516-c of
2013.

3. It is submitted by the learned counsel for the
petitioner that the jurisdictional Magistrate has taken cognizance



of the offence against the respondent no.5 under Sections 323, 384 and 379 read with 34 of the Indian Penal Code. He was granted bail after he was taken into custody but, thereafter, he misused the privilege of bail and evaded appearance before the court. Subsequently, his bail bond was cancelled and he has been declared a proclaimed offender. He submitted that since the trial of the complaint case is being delayed, a direction be issued to the respondents to arrest the respondent no.5 and produce him before the court.

4. Since the matter is pending before the Magistrate and the learned Magistrate has already issued proclamation order under Section 82 of the Code of Criminal Procedure against the respondent no.5, I am not inclined to entertain this application under Articles 226 and 227 of the Constitution of India for issuance of any direction to the official respondents to apprehend respondent no.5 and produce him before the court. The jurisdictional Magistrate is in seisin of the matter and has got ample powers under the Code of Criminal Procedure to compel the appearance of the absconding accused. There can not be a parallel proceeding in a criminal case, one before the trial court and the other before this Court.



5. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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