

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81094 of 2019

Arising Out of PS. Case No.-433 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Harendra Singh Son of Late Girja Singh Resident of Village- Khajuri, P.O. and P.S.- Karpi, District- Arwal at present residing mohalla- Harmoo Housing Colony, P.O.- Harmoo, PS- Argoda, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhananjay Kumar Son of Late Kapildeo Singh Resident of Village- Nadma, PS- Dhanarua, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sharma
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-12-2019 The petitioner has filed the instant application for quashing the order dated 22.06.2019 passed in Complaint Case no. 433C of 2018 by the learned Sub-Divisional Judicial Magistrate, Masaurhi whereby the learned Sub-Divisional Judicial Magistrate, Masaurhi has been pleased to order for issuance of process under section 82 Cr.P.C against the petitioner.

The relevant facts in brief are that the petitioner was a named accused in Complaint Case no. 433C of 2018 filed in the Court of learned Sub-Divisional Judicial Magistrate, Masaurhi. After enquiry in the said complaint case, by order dated 01.09.2018 cognizance for the offence under sections



420,406,323 and 504 of the Indian Penal Code was taken. In the proceeding of the said complaint case, by order dated 22.06.2019 orders have been passed for issuance of process under section 82 Cr.P.C against the petitioner.

It is submitted by learned counsel for the petitioner that from perusal of the order sheet of the said complaint case copy of which has been brought on record, it would transpire that pursuant to the order taking cognizance, summon was issued by order dated 1.9.2018 and without waiting for service of summons, the Court below by order dated 12.10.2018 proceeded to issue bailable warrant of arrest and thereafter by order dated 25.03.2019 proceeded to issue non-bailable warrant. It is further submitted that from perusal of the order dated 08.05.2019 it would be evident that even the service report with respect to non-bailable warrant has also not been received but nevertheless by order dated 22.06.2019 order has been passed for issuance of process under section 82 Cr.P.C against the petitioner. On query by the Court it is further submitted by learned counsel for the petitioner that the petitioner had moved this Court for grant of anticipatory bail in Cr. Misc. No. 7547 of 2019 which although is still pending, however, during pendency of the said application, the petitioner has been granted



provisional bail.

Without going into the merits of the case, it is directed that the petitioner shall appear in the Court below on the next date fixed in the Complaint Case no. 433 of 2018 and further, till his appearance on the next date fixed, no coercive steps shall be taken against the petitioner pursuant to the order dated 22.06.2019 passed in Complaint Case no. 433C of 2018 by the learned Sub-Divisional Judicial Magistrate, Masaurhi.

The application stands disposed off.

(Partha Sarthy, J)

Prakash/-

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