

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36389 of 2021

Arising Out of PS. Case No.-123 Year-2011 Thana- KHAGARIA District- Khagaria

1. Shivram Paswan, aged about 41 years, Male Son of Bipat Paswan.
2. Bano Paswan, aged about 40 years, Male Son of Balo Paswan.
Both are resident of Village - Shyam Gharari, P.S.- Morkahi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal, Adv.
		Mr. Santosh Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Ram Anurag Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 04-03-2022 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State through video conferencing.

The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

The petitioners apprehend their arrest in connection with Khagaria (Gangour) P.S. Case No. 123 of 2011 registered for the offences punishable under Sections 394 and 411 of the Indian Penal Code.

The present case was of the year 2011. A report was called for from the Court below whether the process under



Sections 82 and 83 of the Cr.P.C. has been issued or not.

The learned Additional Chief Judicial Magistrate III, Khagaria has sent the report by letter no. 16 dated 19.02.2022, in which it has been mentioned that the process under Sections 82 and 83 of the Cr. P.C. have been issued against the present petitioners. As such, the present criminal miscellaneous case is not maintainable.

Accordingly, this application is dismissed as not maintainable, in view of the recent decision in the case of *Prem Shankar Prasad vs. State of Bihar and Another* (2021 SCC online SC 955).

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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