

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15967 of 2023

Arising Out of PS. Case No.-940 Year-2018 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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CHANDAN KUMAR @ CHANDAN KUMAR PASWAN Son of Parichhan
Paswan R/v- Bilandpur, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. VINITA DEVI Wife of Chandan Kumar @ Chandan Kumar Paswan, D/o
Rameshwar Paswan R/v- Belkunda, P.S.- Mahua, District- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kunwar Ajit Singh
For the Opposite Party/s : Mr.Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The present application has been filed for quashing the order dated 25.11.2022 passed in Cr. Revision No. 118 of 2022 by the learned District and Sessions Judge, Vaishali at Hajipur, dismissed the said Criminal Revision filed by the petitioner against the order dated 16.06.2022 passed by learned S.D.J.M., Vaishali at Hajipur in connection with Complaint Case No. 940 of 2018 instituted by Vinita Devi on 01.05.2018 and cognizance has been taken under Section 498(A)/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The petitioner has challenged the order dated 16.06.2022 by which the bail bond of the petitioner has been



cancelled and the bailable warrant of arrest has been issued against the petitioner.

Learned counsel for the petitioner has relied upon the judgment of this Court in *Sandeep Kumar Tekriwal Vs. State of Bihar [(2009) 2 PLJR 260]* and has submitted that warrant of arrest cannot be issued on the same day on which the bail bond of an accused is cancelled.

In view of aforesaid judgment, this application is allowed and the order dated 25.11.2022 passed in Cr. Revision No. 118 of 2022 by the learned District and Sessions Judge, Vaishali at Hajipur is set aside.

The petitioner will appear in trial and participate in the trial.

The trial court will not insist for his personal appearance on each and every date. If the petitioner is represented through his Advocate the trial Court will proceed in the matter. The trial Court will insist for personal appearance of the petitioner only when it is absolutely necessary for the petitioner to appear.

The petitioner will give an undertaking at the time of appearing before the Court below that he will not object to the recording of the evidence in his absence in view of the fact that



this is a case under Section 498(A) of the Indian Penal Code.

(Sandeep Kumar, J)

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