

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54570 of 2015

Arising Out of PS. Case No.-16 Year-2006 Thana- BATHNAHA District- Sitamarhi

Vijay Mahto @ Vijay Kumar son of Nageshwar Mahto R/o Village-
Bhatauliya, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Lal Babu Gain son of Late Kamal Gain, R/o Village- Digghi, P.S.- Bathnaha,
District- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Jha, Adv.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-03-2023 Heard Mr. Sumit Jha, learned counsel for the
petitioner and Mr. Anil Prasad Singh, learned APP for the State.

This is an application for quashing of the order dated
27.06.2007 passed in Bathnaha P.S. Case No. 16 of 2006, Tr.
No. 4326 of 2015 passed by the learned Chief Judicial
Magistrate, Sitamarhi by which the learned Magistrate took
cognizance for the offences punishable under Sections 384/34 of
the Indian Penal Code.

The learned APP has straightway taken this Court to
the prayer portion itself to show that an order dated 27.6.2007
has been challenged in 2015 and we are in 2023.

It has been informed by the learned APP that a bare



perusal of Annexure-4 i.e. charge-sheet report dated 29.5.2007 would show that the police recorded the fact that the petitioner herein namely Vijay Mahto amongst other is evading arrest and as such after issuance of process under Sections 82, 83 of the Cr.P.C., the necessary steps have already been taken. He as such submits that this is certainly not a fit case to grant any relief to the petitioner who was playing with the law since last two decades. It is further submitted that the petitioner has been declared as an absconder.

Considering the kind of attitude the petitioner has adopted in taking the law/Courts for granted inasmuch as 2007 order has been challenged in 2015 in which, it was already recorded that he is an absconder, no relief can be extended to him.

Accordingly, the petition stands dismissed.

(Rajiv Roy, J)

Ajay Singh/-

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