

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26769 of 2022

Arising Out of PS. Case No.-208 Year-2017 Thana- NASRIGANJ District- Rohtas

MD. SHAKILUR RAHMAN KHAN @ CHHOTAN KHAN S/o Md. Mujibur
Rahman Khan Resident of Ward No. 03, Bihiya Road Ashok Cinema Hall
Near Bhagalpur, P.S.- Piro, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 24-01-2023 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

The petitioner apprehends his arrest for the offences
alleged under Sections 364 of the Indian Penal Code registered
in connection with Nasriganj P.S. Case No.208 of 2017.

As per allegation, some unknown persons came by
Scorpio and kidnapped the brother of the informant.

Learned counsel for the petitioner has submitted that
the petitioner is innocent and on similar footing co-accused
persons have been granted regular bail.

On the other hand, learned APP has submitted that the
case was registered in the year 2017. The petitioner remained



absconding and process under Sections 82 & 83 of the Cr.P.C.
have been issue against him.

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

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

(Nawneet Kumar Pandey, J)

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