

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20127 of 2018**

Arising Out of PS. Case No.-74 Year-2005 Thana- GOPALPUR District- Bhagalpur

Subodh Singh S/o late Mani Singh Resident of Village- Navtoliya, P.S.
Gopalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Reena Devi W/o late Pradeep Singh@ Patwari Singh Resident of Village-
Navtoliya, P.S. Gopalpur, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Sri Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 27-07-2023 Heard learned counsel for the parties.

It has been submitted by the learned senior counsel for the petitioner that the case was registered in the year 2005. After investigation, Final Form was submitted on 17.04.2007 and the learned Magistrate differed with the Final Form and has taken cognizance on 05.01.2010. Thereafter, the petitioners have not appeared and they have been declared absconder.

Learned senior counsel for the petitioner has submitted that after the case was found false against them and Final Form was submitted in the year 2007, the petitioners had left Bihar for earning their livelihood and they did not get any notice from the lower Court, and therefore, they have been declared absconder.

It has further submitted that the petitioners are ready to cooperate in the case and there is no willful latches on



the part of the petitioners, which has resulted into non-appearance of the petitioners.

Considered the submissions of the learned counsel for the parties and the learned APP also.

By order dated 15.12.2017 the petitioners have been declared absconder and permanent warrant has been issued against them.

In my opinion, in the interest of justice, the petitioner deserves one chance to appear in the Court below and participate in the proceeding.

In view of the above, the order dated 15.12.2017 is hereby quashed with a direction to the petitioners to participate in the Court below and they will appear along with a certified copy of this order and the Court below will treat his appearance as first appearance after cognizance and will grant them bail so that the petitioners can participate in the early disposal of the case.

With the aforesaid observations and directions, this application is disposed of.

(Sandeep Kumar, J)

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