

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7500 of 2023

Arising Out of PS. Case No.-121 Year-2010 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

NAWRANG LAL AGARWAL @ NAWRANG AGARWAL Son of Ram
Avtar Agarwal R/o Nawa City, P.S- Nawa city, Dist- Nagour, Rajasthan
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

This application has been filed for quashing of the order dated 24.03.2022 passed by learned S.D.J.M, Madhubani in G.O. No. 121 of 2010 by which learned Magistrate, without any service of summon, Bailable Warrant & Non-Bailable Warrant of arrest has ordered for issuance of processes under Section 82 of Code of Criminal Procedure Code.

The contention of the petitioner is that vide order dated 24.03.2022, learned S.D.J.M, Madhubani in G.O. No. 121 of 2010 has directed for issuance of processes under Section 82 of Cr.PC. The petitioner is a resident of Rajasthan and from reading of the entire order sheet, it appears that there has been no service report whether the Bailable Warrant & Non-Bailable



warrant have been served upon the petitioner.

In these circumstances, this application is allowed and the order dated 24.03.2022 passed by learned S.D.J.M, Madhubani in G.O. No. 121 of 2010 is hereby quashed.

The petitioner is given a liberty to file an application under Section 205 of Cr.PC in the court below. The application shall be considered by the court below in accordance with law keeping in mind the various pronouncements of the Hon’ble Supreme Court, this Court and also considering the fact that petitioner is a resident of Rajasthan.

(Sandeep Kumar, J)

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