

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1244 of 2024

Arising Out of PS. Case No.-300 Year-2023 Thana- MADHUBAN District- East Champaran

1. Vijay Kumar Yadav S/O Late Lakshman Rai Village- Banjariya, Ps. Madhuban, Dist. East Champaran.
2. Nirmala Devi @ Nirmala Kumari W/O Vijay Kumar Yadav Village- Banjariya, Ps. Madhuban, Dist. East Champaran.
3. Jay Prakash Kumar Yadav @ J. Prakash S/O Umakant Rai @ Umashankar Prasad Yadav Village- Madhuahan, Ps. Rajepur, Dist. East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usmila Devi W/O Harikishore Rai Village- Banjariya, Ps. Madhuban, Dist. East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh, Advocate
For the State	:	Mr.Md. Matloob Rab, APP
For the OP No. 2	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 04-07-2024 Heard learned counsel for the petitioners; learned APP
for the State and learned counsel for the opposite party no. 2.

2. The present application has been filed for quashing the order dated 13.07.2023 and 19.07.2023 by which the learned Judicial Magistrate-Ist Class, East Champaran at Motihari was pleased to issue non-bailable warrant of arrest and proclamation under Section 82 of the Cr.P.C. respectively against the petitioners in connection with Madhuban P.S. Caes No. 300 of 2023 dated 25.06.2023 registered under Section 302/34 of the Indian Penal Code.

3. Learned counsel for the opposite party no. 2 Mr.



Sanjay Kumar, at the very beginning, has submitted that because of the interim order, the investigation is not progressing. He fairly submits that the order dated 19.07.2023 by which process has been issued under Section 82 of the Cr.P.C. against the petitioners may be quashed.

4. In these circumstances, the order dated 19.07.2023 passed by the Judicial Magistrate 1st Class, East Champaran at Motihar in connection with Madhuban P.S. Case No. 300 of 2023, is hereby quashed. The SHO, Madhuban is directed to proceed with the investigation. It has also been submitted by Mr. Sanjay Kumar that the case is registered under non bailable offences and therefore, the police can arrest the accused even without procuring warrant of arrest from any Court.

5. In these circumstances, this Court, at this stage is not interfering in the order dated 13.07.2023. The quashing of the order dated 19.07.2023 will pave the way for filing/ consideration of the anticipatory bail petition of all the accused persons.

6. This application is disposed of.

7. The quashing of the order dated 19.07.2023 does not mean that the police is debarred from filing any fresh application for issuance of process under Sections 82 and 83 of



the Cr.P.C. in accordance with law. As and when any application is filed, the Court below will pass an order in accordance with law.

8. The interim order dated 01.02.2024 is hereby vacated.

(Sandeep Kumar, J)

P. Kumar

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