

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1021 of 2024

Arising Out of PS. Case No.-171 Year-2015 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. KRISHNA KUMAR CHOUDHARY S/O LATE SHIVJEE CHOUDHARY
R/O KALYANPUR BASTI, P.S- MOHIUDDIN NAGAR, DISTT.-
SAMASTIPUR, PIN CODE- 848502
 2. AKHILESH KUMAR @ SAJAN KUMAR S/O SHRI DHANIK LAL RAY
R/O TETARPUR, P.S- MOHIUDDIN NAGAR, DISTT.- SAMASTIPUR,
PIN CODE- 848502
 3. MD RUSTAM ANSARI S/O MD. UNUS ANSARI R/O VILLAGE-
MADUDABAD, P.S- MOHIUDDIN NAGAR, DISTT.- SAMASTIPUR,
PIN CODE- 848502
 4. ARVIND KUMAR RAY S/O LATE SHIV MOHAN RAY R/O BARBIRA,
P.S- TAJPUR, DISTT.- SAMASTIPUR-848505

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satyabir Bharati Mr. Abhishek Anand Ms. Kanu Priya
For the Opposite Party/s	:	Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 02-07-2024 Heard the parties.

2. This application has been filed on behalf of the petitioners for quashing the order dated 27.04.2023 passed by the Special Judge, Excise Court No. 02, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 171 of 2015 by which the non bailable warrants has been issued against the petitioners and also for quashing the orders dated 10.01.2024 and 20.03.2024 passed by the Special Judge, Excise Court No.



02, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 171 of 2015 by which the process under Sections 82 and 83 of the Cr.P.C. has been issued against the petitioners.

3. It has been submitted by the learned counsel for the petitioners that the petitioners were already on bail and due to non-communication of the current stage of the case, they could not appear and the process for compelling their appearance has been issued.

4. Learned counsel for the petitioners further submit that the petitioners will appear on the next date if the process issued under Sections 82 and 83 and Non-Bailable Warrant are quashed as they have apprehension that if they appear now then they will be taken into custody.

5. Learned APP for the State opposed the prayer of the petitioner.

6. I have considered the submissions of the parties.

7. Since the petitioners are ready to appear in the Court below so that the case may proceed, this Court is of the view that in the interest of justice they should be allowed to appear.

8. Accordingly, this application is allowed and the orders dated 27.04.2023, 10.01.2024 and 20.03.2024 passed by



the Special Judge, Excise Court No. 02, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 171 of 2015 by which non bailable warrants and process under Section 82 and 83 of the Cr.P.C. has been issued against the petitioners, are hereby quashed.

9. It is made clear that when the petitioners appear before the Court below, it shall be treated to be their first appearance after cognizance and they will remain on same bail bonds as earlier executed by them.

10. The petitioners are directed to co-operate in the trial either by appearing personally or through their lawyer in the trial Court on each and every date so that the trial is not delayed.

(Sandeep Kumar, J)

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