

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17432 of 2025

Arising Out of PS. Case No.-31 Year-1995 Thana- VIGILANCE District- Patna

Pramod Krishna Jha Son of Late Chakradhar Jha Resident of Sikandarpur,
PS- Mojahidpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Investigation Bureau through the Superintendent of Police,
Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Sinha, Sr. Adv.
Mr. Praveen Kumar
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-06-2025 1. Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. The petitioner has filed the present application for
quashing of the order, dated 16.07.2018 passed, in Special
Case No. 19 of 1995, arising out of Vigilance Case No. 31
of 1995, by learned Special Judge, Vigilance, Patna,
whereby the bail bond of the petitioner has been cancelled
and non-bailable warrant of arrest has been issued against
him and also the proceedings under Section 82-83 of the
Code of Criminal Procedure, 1973 have been initiated.
3. The First Information Report is of the year 1995. The
allegation against the petitioner is that he, being the
member of the Governing Body of Sabour College,
Bhagalpur, recommended certain candidates for their



appointment on teaching and non-teaching posts in 4th Phase Constituent Colleges in the year 1984-85.

4. Learned Senior Counsel for the petitioner submits that the petitioner is aged about 85 years and was granted anticipatory bail by this Court in the year 2000. The cognizance was taken in the year 2007 and thereafter, the petitioner continued to appear before the learned Court regularly, but due to his advance age, on 5-6 dates, the lawyer, appearing on his behalf, could not made his pairvi, resulting into cancellation of his bail bonds on 16.01.2018. He also submits that the petitioner is suffering from some medical issues, including the old age related diseases since long. Since the petitioner had already engaged a lawyer and due to lack of proper pairvi by his lawyer, the bail bond was cancelled. Owing to serious ailment of the petitioner, he could not keep track of the case and the default on the part of the petitioner is not intentional and willful.
5. After cancellation of the bail bonds of the petitioners, the warrant of arrest, non-bailable warrant of arrest and/or any notice under Section 82-83 of the Code of Criminal Procedure, 1973 have never been served upon the



petitioner and the petitioner came to know about the cancellation of his bail bonds as well as issuance of non-bailable warrant of arrest and/or initiation of proceedings under Sections 82-83 of the Code of Criminal Procedure, 1973 when the police arrived at the house of the petitioner in February-March, 2025. The petitioner, immediately, thereafter filed the present application for quashing the impugned order. He further submits that the trial has not commenced as yet.

6. Learned Senior Counsel for the petitioner proposes to file a fresh application for recalling the order issuing non-bailable warrant of arrest and/or initiation of any proceedings under Section 82-83 of the Code of Criminal Procedure, 1973, on the ground of age related and physical inability of the petitioner and further on the ground that non-appearance of the petitioner for few dates was not intentional and the petitioner was declared defaulter due to lack of proper pairvi by his lawyer.
7. Having considered the submissions of learned Senior Counsel for the petitioner and the fact that the First Information Report is of the year 1995 and after grant of anticipatory bail in the year 2000, the petitioner continued



to participate in the case and he failed to represent himself for few dates in the year 2017, the petitioner is aged about 85 years, in my opinion, the justice demands that the petitioner should be given one more opportunity to file recall of the order for issuance of non-bailable warrant of arrest and/or initiation of any proceedings under Section 82-83 of the Code of Criminal Procedure, 1973, stating all the facts within a period of two weeks from today before the learned Special Judge, Vigilance, Patna, and if such an application is filed by the petitioner within the aforesaid period, the learned Vigilance Court shall decide the same taking into consideration the advance age of the petitioner and the fact that his default was not intentional, without insisting upon the physical presence of the petitioner.

8. With the aforesaid observation and direction, this application is disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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