

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80923 of 2024

Arising Out of PS. Case No.-324 Year-2022 Thana- GORAUL District- Vaishali

Arvind Kumar S/O Dinesh Kumar R/O Village Pakahin, P.S. Maniari,
District- Muzaffarpur. At Present R/O Mohalla- G.N. Ganj, P.S. Laherisarai,
Dist.- Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar
2. Nisha Kumari D/O Dharmendra Kumar R/O Village Sehan, P.S. Gaorol,
District- Vaishali

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Y.C. Verma, Sr. Advocate
Ms.Priyanka Singh, Advocate
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-06-2025 Heard Mr. Yogesh Chandra Verma, learned senior

counsel appearing on behalf of the petitioner and learned A.P.P.

for the State.

2. The present application has been preferred under

Section 528 of the Bhartiya Nagarik Suraksha Sanhita (in short,
the 'B.N.S.S.'), as to quash and setting aside the order dated
23.09.2024 passed in Goraul P.S. Case No. 324 of 2022
registered for the offences punishable under Sections 498A,
494/34 of the Indian Penal Code, by the learned S.D.J.M.,
Hajipur, Vaishali, whereby and whereunder learned Magistrate
has been pleased to cancel the bail bond of the petitioner and
issued non-bailable warrant (in short, the 'NBW') against him.



3. It is submitted by Mr. Verma, that prior to impugned order dated 23.09.2024, an order was passed by the learned trial court on 18.05.2024 calling medical reports from Indira Devi Memorial Hospital *qua* all accused persons including the petitioner, which is still awaited.

4. It is further submitted that conducting lawyer, out of his personal compulsion, could not attend the court proceeding as to press the petition before learned trial court under section 317 of the Cr.P.C.

5. It is submitted that due to illness petitioner could not attend the court proceeding physically on 23.09.2024 and, therefore, non-appearance of the petitioner was neither deliberate nor intentional, hence, the impugned order, as passed by learned trial court, is bad in the eyes of law.

6. It is submitted that the petitioner is ready to abide by the terms and conditions of the compromise, and, therefore, one final opportunity be given to decide the same in view of the order passed by this Court in Cr. Misc. No. 55696/2023 dated 17.05.2024 and also the order dated 24.03.2023 passed by learned Additional Sessions Judge-XIII, Vaishali at Hajipur in B.P. No. 401/2023.



7. Learned A.P.P. for the State is present.

8. Considering the aforesaid submission, the impugned order dated 23.09.2024, as passed in Goraul P.S. Case No. 324 of 2022, by the learned S.D.J.M., Hajipur, Vaishali, is hereby quashed and set aside, with a direction to the petitioner to present before the learned court below positively on next date of hearing as to enable learned court to pass appropriate order in view of compromise, as discussed in order dated 24.03.2023 as passed in B.P. No. 401/2023, and, also approved by this Court through its order dated 17.05.2024 passed in Cr. Misc. No. 55696/2023 after hearing both the parties.

9. Till passing appropriate order, as aforesaid, the petitioner is directed to remain on **provisional bail** in terms of order dated 24.03.2023 as passed in B.P. No. 401/2023 by learned Additional Sessions Judge-XIII, Vaishali at Hajipur.

10. Accordingly, this application stands disposed of.

(Chandra Shekhar Jha, J)

Rajeev/-

U		T	
---	--	---	--

