IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38676 of 2019

CNR No. BRHC010484642019

Arising Out of PS. Case No.-123 Year-2017 Thana- SURYAGARHA District- Lakhisarai

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1. Chhotu Kumar Son Of Bisheshwar Yadav Resident Of Village - Nista, P.S.- Suryagarha, District- Lakhisarai
2. Deepak Kumar Son of Krishnandan Yadav Resident of Village - Nista, P.S.- Suryagarha, District- Lakhisarai
3. Janardan Yadav Son of Natho Yadav Resident of Village - Nista, P.S.- Suryagarha, District- Lakhisarai
4. Rajesh Kumar Son of Janardan Yadav Resident of Village - Nista, P.S.- Suryagarha, District- Lakhisarai
5. Ranjit Kumar Son of Janardan Yadav Resident of Village - Nista, P.S.- Suryagarha, District- Lakhisarai
6. Ritesh Kumar @ Chuhna Son of Maheshwar Yadav Resident of Village - Nista, P.S.- Suryagarha, District- Lakhisarai
7. Ram Balak Yadav Son of Natho Yadav Resident of Village - Nista, P.S.- Suryagarha, District- Lakhisarai
8. Shambhu Yadav Son of Late Rajendra Yadav Resident of Village - Nista, P.S.- Suryagarha, District- Lakhisarai

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 54079 of 2019

CNR No. BRHC010484642019

Arising Out of PS. Case No.-123 Year-2017 Thana- SURYAGARHA District- Lakhisarai

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RAHUL KUMAR S/o Punit Yadav R/o village- Nista, P.O. and P.S.- Suryagarha, District- Lakhisarai

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 38676 of 2019)
For the Petitioner/s : Mr. Rabindra Kumar
For the State : Ms. Anita Kumari Singh

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For the O.P. No. 2 : Mr. Amit Kumar Anand, Advocate
Mr. Lal Mani Sharma, Advocate
(In CRIMINAL MISCELLANEOUS No. 54079 of 2019)
For the Petitioner/s : Mr.Raj Kishore Prasad
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP
For the O.P. No. 2 : Mr. Amit Kumar Anand, Advocate
Mr. Lal Mani Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 05-11-2026 ***Ref:-Cr. Misc. No. 38676 of 2019***

Heard the learned counsel for the petitioner, the learned APP for the State, and the learned counsel for the informant.

2. The present application has been filed seeking quashing of the order dated 09.04.2019, passed by the learned Chief Judicial Magistrate, Lakhisarai, in G.R. No. 699 of 2017, arising out of Suryagarha P.S. Case No. 123 of 2017, whereby cognizance has been taken against nine accused persons, namely, (i) Ritesh Kumar @ Chuhna, (ii) Rajesh Kumar, (iii) Ranjit Kumar, (iv) Ram Balak Yadav, (v) Chhotu Kumar, (vi) Deepak Kumar, (vii) Janardan Yadav, (viii) Lalan Kumar and (ix) Shambhu Yadav, on the basis of the supplementary charge-sheet, for the offences punishable under Sections 147, 148, 149, 323, 337, 447, 324, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. At the very outset, learned counsel appearing on behalf of the informant submits that the trial has commenced

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and two witnesses have already been examined.

4. In view of the aforesaid submission, learned counsel for the petitioners does not press the present application, which has become infructuous. Accordingly, the present application is dismissed as infructuous.

5. At this stage, it has been pointed out that some of the petitioners are on bail, whereas most of them are absconding. It is further submitted that the absconding petitioners have not appeared before the Trial Court.

6. In view of the aforesaid, the Superintendent of Police, Lakhisarai, is directed to take necessary steps to ensure that the absconding accused persons are traced, apprehended and produced before the competent Court at Lakhisarai within a period of two weeks from today.

7. Upon expiry of the aforesaid period, the Superintendent of Police, Lakhisarai, shall submit a compliance report before this Court.

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8. Heard the learned counsel for the petitioner, the learned APP for the State, and the learned counsel for the O.P. no. 2.

9. The present application has been filed on behalf of

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the petitioner seeking quashing of the order dated 01.11.2017, passed by the learned Chief Judicial Magistrate, Lakhisarai, in connection with Suryagarha P.S. Case No. 123 of 2017, dated 06.06.2017, whereby cognizance has been taken against the petitioner for the offences punishable under Sections 147, 148, 149, 323, 337, 447, 324, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

10. After some arguments, learned counsel for the petitioners seeks permission to withdraw the present application, with liberty to raise all the grounds available to the petitioners at an appropriate stage of the proceedings.

11. Permission, as prayed for, is granted.

12. Accordingly, the present application stands dismissed as withdrawn, with the aforesaid liberty.

13. At this stage, learned counsel appearing on behalf of the informant submits that the petitioners are absconding. Their anticipatory bail applications were rejected in the year 2019, and since then, they have neither surrendered nor appeared before the Trial Court.

14. In view of the aforesaid submission, the Superintendent of Police, Lakhisarai, is directed to take necessary steps to ensure that the absconding accused persons

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are traced and apprehended and produced before the competent Court at Lakhisarai within a period of two weeks from today.

15. Upon expiry of the aforesaid period, the Superintendent of Police, Lakhisarai, shall submit a compliance report before this Court.

16. Let a copy of this order be communicated to the Superintendent of Police, Lakhisarai through FAX or e-mail for immediate compliance.

(Sandeep Kumar, J)

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