

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
MUZAFFARPUR
Civil Court, Muzaffarpur. Bihar.**



Criminal Revision No. 105 of 2026

1. Narhari Kumar, son of late Bhuneshwar Chaudhary, aged about 48 years

R/o village-Kharauna Dih

P.S. Turki, district-Sitamarhi.

..... **Petitioner/Revisionist**

Vs

1. The State of Bihar

.....**O.P.**

For the Petitioner/Revisionist : Sri Rama Shankar Singh, Advocate.

For the O.P. : Sri Ajay Kumar, P.P.

O R D E R

Date of order of proceeding	Order with the signature of the Court	Office action taken with date
<u>19.05.2026</u>	1. The record is placed for order. The revisionist has preferred this revision being aggrieved and dissatisfied with the order dated 25.02.2026, passed in GR Case No. 1237/2007 by A.C.J.M.-9th, Muzaffarpur (East), whereby and where under, petitioner was declared absconder and permanent warrant of arrest was ordered to be issued against him. The revisionist has sought to invoke section 438 and 440 of the BNSS, thus, seeking to set aside the impugned order dated 25.02.2026, passed by A.C.J.M. 9th, Muzaffarpur (East). 2. The factual matrix leading to the filing of present revision petition is that on the basis of fardbeyan of S.I. Rajesh	

<u>Contd.</u> <u>19.05.2026</u>	Kumar Sharma, Sadar P.S. Case No.146/2007 was registered u/s 25(1-B)a and 26 of the Arms Act against Narhari Kumar. It is alleged that petitioner Narhari Kumar was apprehended by the police and from his possession, one loaded country made pistol was recovered. After completion of investigation, the police submitted chargesheet u/s 25(1-B)a and 26 of Arms Act against him. The chargesheet on being filed, cognizance was taken against the petitioner and summon was issued against him for appearance. The petitioner appeared and cognizance of the offence was taken and thereafter, charge was framed against him on 23rd March, 2012. The case was pending for evidence, meanwhile, petitioner left doing pairvi which resulted in cancellation of his bail bond dt. 19.05.2025, thereafter, WA(non-bailable) was ordered to be issued and accordingly, NBW was issued against him on 26.05.2025. Thereafter, processes u/s 82-83 Cr.P.C. was issued against the petitioner on 28.11.2025. Ultimately, vide order dated 25.02.2026, he was declared absconder and permanent warrant of arrest was ordered to be issued. 3. Learned counsel for the revisionist has assailed on the ground that the learned trial court has passed the order of issuance of processes without any execution report and thus, has not followed the instructions of Hon'ble High Court and without receipt of any service report, adopted the entire process in illegal way against the principle of natural justice. The impugned order is illegal, incorrect and improper. It has further been submitted that without execution report of warrant of arrest and processes u/s 82-83 Cr.P.C., declaring the petitioner absconder is not justified and is without jurisdiction. As such, the impugned order is fit to be set aside. 4. Learned P.P appearing for the State has submitted that after taking note of materials on record, learned trial court has	
--	---	--

<u>Contd.</u> <u>19.05.2026</u>	passed the order, which is just and proper and needs no interference of this court. 5. Perused the record. It is reflected from the record that no execution/service report is on record, to show that the petitioner was evading the process intentionally. Thus, without ensuring that the petitioner was intentionally evading his appearance, processes like and u/s 82/83 of the Cr.P.C. were issued, which appear to be erroneous. Thus, the court prima facie, without having reason to believe that the accused had absconded or was concealing himself so that the warrant could not be executed, issued the proclamation. This court is of the considered opinion that the learned trial court committed irregularity/illegality in passing the impugned order. 6. Accordingly, this criminal revision is allowed and the impugned order dated 25.02.2026, passed by learned A.C.J.M. 9th, Muzaffarpur (East) in connection with GR Case No. 1237/2007 is hereby set aside. Let a copy of this order be placed in TCR and the same be sent forthwith to the ld. Trial Court for information. sd/- (Shweta Kumari Singh) Principal District and Sessions Judge, Muzaffarpur. 19.05.2026	
--	---	--