

**In The Court of Sessions Judge,
Vaishali, Bihar 844101.
Distt. - Vaishali, BIHAR.**

Criminal Revision No. 57 of 2026

Arising out of Hajipur Industrial Area P.S. Case No. 320 of 2002

Kumar Mithilesh Prasad Singh @ Kumar Mithilesh Singh, Aged about-57 years,
Son of Mathura Prasad Singh @ Mathura Mahto

Resident of Flat No. 615 Block – D, Jyotipuram Apartment, Jagdeo Path, P.S.-
Shastri Nagar, District- Patna.

..... The Revisionist

vs

1. The State of Bihar,

2. Lallu Paswan S/o Inardeo Paswan,

Resident of village – Fulhara, P.S. - Rajapakar, District – Vaishali.

.....The Opposite Partie

The criminal revision has been preferred by the revisionist against the orders of issuance of non-bailable warrant, issuance of process u/s 82 Cr. P.C. and also issuance of process u/s 83 Cr. P.C. dated 17.10.2024, 28.04.2025 and 17.10.2025 respectively passed by Learned Additional Chief Judicial Magistrate - XIV, Vaishali at Hajipur, in Industrial Area Hajipur P.S. Case No. 320/2002, G.R. No. 1983/2002 (State Vs. Mithilesh Kr. Singh) whereby and whereunder the learned trial Court has issued N.B.W., process of 82 Cr.P.C. and process of section 83 of Cr. P.C. against the accused/revisionist.

Counsel for the Revisionists :

Learned Adv. Sri Rakesh Kumar

Counsel for the Opposite Party No.1 :

Learned P.P. Shri Shayam Babu Rai

Dated- 08th. April 2026

Present- Harshit Singh.

J u d g e m e n t

1. The criminal revision has been preferred by the revisionist against the orders of issuance of non-bailable warrant, issuance of process u/s 82 Cr. P.C. and also issuance of process u/s 83 Cr. P.C. dated 17.10.2024, 28.04.2025 and 17.10.2025 respectively passed by Learned Additional Chief Judicial Magistrate - XIV, Vaishali at Hajipur, in Industrial Area Hajipur P.S. Case No. 320/2002, G.R. No. 1983/2002 (State Vs. Mithilesh Kr. Singh) whereby and whereunder the learned trial Court has issued N.B.W., process of 82 Cr.P.C. and process of section 83 of Cr. P.C. against the accused/revisionist.

2. Heard learned Counsel for Revisionist and Learned Public Prosecutor for the State.

3. The relevant facts for consideration of the revision petition are, in brief, as follows: –

8.4.26

a. Prosecution case in brief is that, the F.I.R. has been lodged on the basis of the complaint petition filed by informant/complainant Lallu Paswan, stating therein that on 08.02.2001 the revisionist alongwith other accused persons came at the door of informant and took Rs.1 lakhs from the complainant/informant for giving job in Railway by the accused persons did not provide the job nor returned the money. The accused persons refused to return the money and insulted the informant/complainant by abusing him saying Harijan Dusadh.

b. On basis of written report of informant, the present case was registered.

After completion of investigation, the charge-sheet has been submitted against the accused persons namely Kumar Mithlesh Singh (Revisionist), Vijay Kumar and Ashok Kumar for the offence u/s 420, 406, 447, 468, 120(B) of I.P.C. and section 3(x) of SC/ST Act showing them absconder. It further appears that cognizance against the said accused persons including the revisionist has been taken by the learned trial court under the aforesaid sections vide order dated 04.08.2004 and ordered to issue non-bailable warrant. Thereafter the N.B.W was issued on 22.10.2024 in pursuance of the order dated 04.08.2024, without any service report of N.B.W. the process u/s 82 was issued on 15.05.2025 in pursuance of the order dated 28.04.2025 and without any service report of process u/s 82 Cr. P.C. the process u/s 83 was issued on 17.10.2025.

4. In this revision petition, the revisionist has taken several grounds for impugning the orders dated 17.10.2024, 28.04.2025 and 17.10.2025 passed by *Learned Additional Chief Judicial Magistrate – XIV, Vaishali at Hajipur*, and prayed to allow the present criminal revision and set aside the order dated 17.10.2024 28.04.2025 and 17.10.2025 passed by *Learned Additional Chief Judicial Magistrate - XIV, Vaishali at Hajipur*.

5. I have heard the learned Counsel for the revisionist and the learned Counsel for the State. I have also perused the materials available on record as well as the impugned order.

6. Learned Counsel for the petitioner/revisionist has submitted that the learned Court has passed impugned orders against the revisionist without considering the fact that process of non bailable warrant and process of section 82 Cr. P.C. were not served, there being no service report of these processes, the order under section 82 Cr.P.C and also under 83 Cr.P.C should not have been passed and the same have been passed are illegal not sustainable and fit to be quashed.

7. It appears that Non-bailable warrant was issued against the accused/revisionist on 22.10.2024 in pursuance of the order dated 17.10.2024 fixing the date 16.11.2024. It further appears that on 28.04.2025 issuance for process of 82 CrPC was ordered and the same was issued on 15.05.2025 without any service report of Non Bailable Warrant. The process of 83 Cr.P.C was also issued on 17.10.2025 without any service report of process of 82 CrPC.

From further perusal of Trial Court Record, it transpires that, the Learned Trial Court by the impugned order dated 17.10.2025 has ordered to issue process u/s 83 Cr. P.C. against the revisionist and the same was issued on the same day without any service report of process of 82 Cr.P.C.

It has been held by **Hon'ble High Court in Criminal Miscellaneous No. 66151 of 2023 (Ajeet Kumar and another vs State of Bihar and another)**

Hon'ble MR. Justice PARTHA SARTHY, order dated 14.08.2024 in para-11 that "11. Coming to the facts of the instant case as stated herein above as also evident from the ordersheet of the learned trial Court, herein also the learned trial Court proceeded in the matter without there being any service report of the summons or bailable warrant of arrest. The procedure adopted by the learned trial Court was of issuing non bailable warrant, process under section 82 and thereafter under section 83 Cr.P.C. even without recording its reasons and satisfaction to the effect that the petitioners were deliberately avoiding service. The orders issuing process under section 82 Cr.P.C. as also under section 83 Cr.P.C. were clearly contrary to the procedure prescribed under the Code of Criminal Procedure. The same thus being not sustainable, are both fit to be quashed".

8. Following up the factual matrix of the case and also in the view of the law laid down by the Hon'ble High Court, the impugned orders dated 17.10.2024, 28.04.2025 and 17.10.2025 issuance of non-bailable warrant, issuance of processes u/s 82 and 83 Cr. P.C. are not sustainable and liable to be set aside.

Order

9. Consequently,

- a. The instant revision petition is accordingly allowed and the impugned order orders dated 17.10.2024, 28.04.2025 and 17.10.2025 issuance of non-bailable warrant, issuance of process u/s 82 and issuance of process u/s 83 Cr. P.C. are set aside.
- b. Learned Trial Court is requested to proceed in accordance with law.
- c. Let a copy of this order along with Trial Court Record be sent to the concerned court.

The Judgement is pronounced and delivered in the open Court in presence of the parties under my seal and signature on this 08th of April 2026.

The Judgment is dictated and corrected by:


Harshit Singh
Sessions Judge
Vaishali
Dated: 08.04.2026


Harshit Singh
Sessions Judge
Vaishali
Dated: 08.04.2026