

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3345 of 2025**

Arising Out of PS. Case No.-20 Year-2025 Thana- SAHAJITPUR District- Saran

Abhimanyu Kumar Singh @ Manu Singh @ Aabhimanyu Singh Son of Arjun Singh Resident Of Village- Manopali Police Station -Sahajitpur District-Saran Chapra

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Bhawani Manjhi Son of Durayadhan Manjhi Resident Of Village-Mashrakh, Ramghat, Ps- Mashrakh, Dist- Saran at Chappra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajiv Ranjan Kumar Pandey
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT**

Date : 04-11-2025

Heard both sides.

2. The present appeal has been filed against the order dated 23.07.2025 passed by the learned Exclusive Special Judge SC/ST, Saran at Chapra in Sahijatpur P.S. Case No. 20 of 2025 registered for the offences under Sections 126(2), 115(2) 303(2), 324(2), 351(2), 352 of the BNS and Section 3(1)(r)(s) of the SC/ST Act whereby and whereunder process under Section 82 of the Code of Criminal Procedure has been issued against appellant upon the petition of Investigating Officer.

3. The prosecution story, in brief, is that



respondent no. 2/informant submitted his written statement before the SHO, Sahijatpur Police Station, Saran stating therein that on 21.02.2025, while waiting for passengers, the informant was standing with tempo. Meanwhile, over letting the passengers sit, one Toto driver, namely, Mannu Singh (appellant) started abusing the informant by calling his caste name and when the same was protested, the appellant assaulted the informant by means of danda. Meanwhile, nearby people came and rescued the informant. When the informant proceeded towards his house, again appellant surrounded the informant and started assaulting him by means of bamboo stick, as a result of which informant sustained injury on his head. It is alleged that appellant broke the informant's mobile phone and snatched Rs. 2,000/- from the informant. Thereafter, some passerby rescued the informant and appellant fled away giving threats.

4. On the basis of written statement of the informant, Sahijatpur P.S. Case No. 20 of 2025 has been registered for the offences punishable under Section 126(2), 115(2), 303(2), 324(2), 351(2), 352 of the BNS and Section 3(1)(r)(s) of the SC/ST Act.

5. Learned counsel for the appellant has



submitted that respondent no. 2 and appellant are auto drivers and both of them have been carrying passengers in the local area. He further submits that dispute between the respondent no. 2 and appellant started over picking up passengers in their vehicles. He further submits that FIR has been registered after delay of one day and no cogent explanation has been given regarding the said delay. It is further submitted that the allegations against the appellant are general and omnibus in nature. He further submits that appellant is quite innocent and he has falsely been implicated in the present case due to dirty village politics. He further submits that there was no intention to disobey the order of concerned court. He further submits that the appellant has filed anticipatory bail before this Court which is still pending. He further submits that the present case is nothing else but misuse of provision of law and it is a fit case to interfere with the order dated 23.07.2025.

6. Learned counsel for the State submits that the FIR has been lodged on 22.02.2025 and the appellant is named in the FIR and since lodging of the FIR, near about eight months have elapsed. He further submits that the court has issued process under Section 82 of Cr.P.C. on 23.07.2025. He further submits that order dated 23.07.2025 reveals that



from the perusal of E/R of NBW and copy of case diary, it is clear that Investigating Officer conducted raid for apprehending the accused and the Court has issued the process under Section 82 of Cr.P.C. on the application filed by the Investigating Officer in the interest of justice. He further submits that the court cannot be a silent spectator, if the FIR named accused person is not appearing before the Court and prudently and pragmatically it can well be understood that for securing the presence of accused the court has to take help of mandatory provision. In the present case, the occurrence is of 21.02.2025 and the FIR named accused person/appellant has not turned up before the court. So, the further proceeding of the court will go ahead. The impugned order clearly indicates that E/R of NBW is also available on record and Investigation Officer has also conducted raid for apprehending the accused and then the court has taken step for issuance of process under Section 82 of Cr.P.C. and order of 23.07.2025 clearly reflects that the court has taken reasonable step for securing the presence of accused person and in the light of the facts and circumstances of the case, the order passed by the concerned court is justified and legal.

7. Considering the facts and circumstances of



the case and after going through the order dated 23.07.2025, the contention of the learned counsel for the State is quite tenable or sustainable. The order dated 23.07.2025 clearly reflects that E/R of NBW is already available on record and Investigating Officer has also taken effort for apprehending the accused person and the court has recorded the reasoning as to why the office is directed to issue the process under Section 82 of Cr.P.C. and from the order dated 23.07.2025 it is quite evident that Investigating Officer has conducted raid for apprehending the accused and at last, the application filed by Investigating Officer was allowed and office is directed to issue the process under Section 82 of Cr.P.C.. The reasoning narrated by the concerned court on 23.07.2025 is quite justified and legal as the court has to take reasonable step to secure the presence of accused/appellant against whom the FIR is registered on 22.02.2025 and till today, the accused/appellant has not surrendered before the concerned court. Hence, the court has directed to issue the process under Section 82 of Cr.P.C..

8. In the light of the discussions made above, I find no reason to differ from the impugned order dated 23.07.2025.



9. Accordingly, the present appeal is dismissed
at the stage of admission itself.

(Alok Kumar Pandey, J)

N.K/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	11.11.2025.
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