

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13451 of 2013

Arising Out of PS.Case No. -891 Year- 2012 Thana -GOVERNMENT OFFICIAL COMP. District-
BUXAR

- =====
1. Vishnudeo Ojha S/O Late Chandi Prasad Ojha
 2. Brahmdeo Ojha S/O Late Krishnadeo Ojha, both Resident Of Village- Nimej,
P.S- Brahmpur, District- Buxar.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Tiwary, Advocate

For the Opposite Party/s : Mr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-09-2015

The Petitioners seek quashing of the initiation of the entire proceeding of Case No.891M of 2012 and the orders dated 17.8.2012 and 6.10.2012 passed by the Sub Divisional Magistrate, Dumraon, Buxar in Case No.891M of 2012, by which the Petitioners have been directed to execute a bond of Rs.50,000/- for keeping peace in the territorial jurisdiction.

It has been submitted that Section 110 Cr.P.C. can be invoked only when a person is habitual offender whereas it is evident from the police report that the Petitioners were accused in only one case. Evidently they were not habitual offenders. Further under 116 Cr.P.C. an enquiry is to be held in regard to the truth of the

information upon which action is proposed to be taken. No doubt the Magistrate before completion of the enquiry could have directed the Petitioners to execute a bond but the reasons had to be stated in the impugned orders. No reasons have been assigned for such an immediate action against the Petitioners.

Considering the aforesaid, the application is allowed and the entire proceeding of Case No.891M of 2012 and the orders dated 17.8.2012 and 6.10.2012 passed by the Sub Divisional Magistrate, Dumraon, Buxar in Case No.891M of 2012 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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