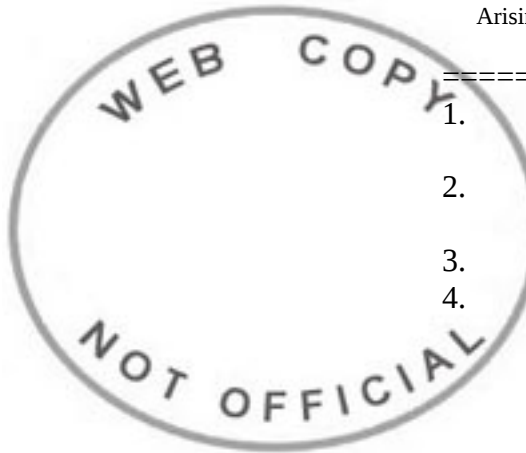


IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17998 of 2013

Arising Out of PS.Case No. -868 Year- 2011 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR



- =====
1. Santosh Kumar Singh, son of Sri Ashok Kumar Singh @ Budhan Singh.
 2. Manish Kumar Singh, son of Ashok Kumar Singh @ Budhan Singh.
 3. Ranjit Kumar Singh, son of Ashok Kumar Singh @ Budhan Singh.
 4. Manoj Kumar Singh, son of Late Indra Singh.
- All are residents of village-Koilwar, Uttar Bihar (Mishra Tola),
P.S.-Koilwar, District- Bhojpur at Ara.

.... Petitioners

Versus

1. The State of Bihar
2. Kundan Kumar Singh, son of late La Bahadur Singh, resident of village-Koilwar North (Mishra Tola), P.S.-Koilwar, District- Bhojpur at Ara.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Suman Kumari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 16-07-2015

Heard the learned counsel for the parties.

The accused-petitioners have preferred this application for quashing the order dated 29.02.2012 passed by the learned Judicial Magistrate, 1st Class, Ara in Trial No.4967/12 arising out of Complaint Case No. 868 C/2011 by which cognizance has been taken against the petitioners.

On perusal of the impugned order, it does not appear that under which sections of the Indian Penal Code, the learned Magistrate has found a prima facie case against the petitioners.

Considering the facts and circumstances, in my

opinion, the impugned order is not fit to be sustained. It is set aside. The matter is remanded to the learned Judicial Magistrate, 1st Class, Ara to pass a fresh order in accordance with law.

It is made clear that this Court has not applied its mind on the merit of the case. This order will not cause prejudice to any party.

In the result, this application stands disposed of.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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