

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.984 of 2015

Arising Out of PS.Case No. -1850 Year- 2013 Thana -DARBHANGA COMPLAINT
CASE District- DARBHANGA

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Bhagwan Balak Thakur @ Bhagwan Balak Baitha, Son of
Jatashankar Thakur, R/o - Village - Deoram, P.S. - Bahera,
Distt. - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Hari Nath Thakur, Son of Ramashray Thakur, Resident of
Village - Deoram, P.S. - Bahera, Distt. - Darbhanga.
3. Raju Thakur, Son of Harinath Thakur, Resident of Village
- Deoram, P.S. - Bahera, Distt. - Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Adv.
For the State : Mr. Bhanu Pratap Singh (App)
For O.P. No. 2 : Mr. Kedar Jha, Adv,

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

4 08-12-2016 Heard the parties.

The present application, under Section 482 of the
Code of Criminal Procedure, has been filed seeking quashing
of the order, dated 20.10.2014, passed by the learned Adhoc
Additional Sessions Judge-IV, Darbhanga, in Cr. Revision No.



253 of 2014, whereby, he has set-aside the order, dated 03.04.2014, passed by the learned Judicial Magistrate, Ist Class, Darbhanga, in Misc. Case No. 299 of 2013 / C.R. No. 1850 of 2013.

By the said order, dated 03.04.2014, learned Judicial Magistrate, Ist Class, Darbhanga, had taken cognizance of the offence punishable under Section 384 of the Indian Penal Code and accordingly issued summons against the accused persons.

I have perused the impugned order, dated 20.10.2014, passed by the learned Adhoc Additional Sessions Judge-IV, Darbhanga, which apparently does not discuss any reason as to why the order passed by the learned Judicial Magistrate, Ist Class, Darbhanga, taking cognizance, required interference. The order is not only cryptic and unreasoned, but observations made therein are totally unwarranted.

The impugned order, dated 20.10.2014, passed in Cr. Revision No. 253 of 2014, is, accordingly, quashed.

The matter is remanded back to the court below for passing an order afresh in Cr. Revision No. 253 of 2014.

This application is, accordingly, allowed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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