

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1864 of 2016

Arising Out of PS.Case No. -128 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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Umesh Kumar @ Umesh Mahto, Son of Ram Ekbal Mahto, Resident
of Village- Parsa Rai tola, Police Station - Majhauria, District West
Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Sita Devi, wife of Indrajeet Mahto Resident of Village- Parsa Rai
tola, Police Station - Majhauria ,District West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjay Kumar No.-7, Advocate
For the Opposite Parties : Mr. L.K.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

2 08-08-2016 Heard learned counsel for the petitioner as

well as learned Additional Public Prosecutor.

Gone through the order impugned. It shows

non-application of mind. The learned Lower Court should

have atleast traced out as to whether there happens to be

any kind of offence under the Indian Penal Code covered

under Section 354 (I)(II) and (V).

Accordingly, the order impugned is set aside. The petition is allowed. The matter is remitted back to the learned Lower Court to proceed afresh after going through the case diary.

(Aditya Kumar Trivedi, J.)

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