

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11194 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- KHAGARIA

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Shankar Pandit S/o Bhumi Pandit resident of Village- Bandehra, P.S.- Pasraha,
District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ashok Pandit
3. Wakil Pandit
Both sons of Late Buddhu Pandit
4. Asha Devi W/o Ashok Pandit
5. Amosa @ Amerika Devi W/o Wakil Pandit
All resident of Village- Bandehra, P.S.- Pasraha, District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-03-2016

The instant application under Section 482 of the Code of Criminal Procedure (for short “CrPC”) has been preferred for quashing the order dated 29.07.2015 passed by the learned Sessions Judge, Khagaria in Cr.Appeal No. 72 of 2014, whereby the order dated 18.06.2014 passed by the learned Sub Divisional Magistrate, Gogri in connection with Case No. 474M of 2013 directing the petitioner to furnish bond of Rs.25,000/- with two sureties of the like amount each to maintain public peace for one year under Section 117 of the CrPC has been set aside.

2. I have heard learned counsel for the petitioners and learned

counsel for the State and perused the materials available on record.

3. It would be apparent from perusal of the record that while passing the aforesaid order dated 18.06.2014 the learned Sub Divisional Magistrate, Gogri had not conducted the enquiry in accordance with law. He had not complied with the mandatory provisions prescribed under Sections 111 and 112 of the CrPC.

4. Taking into consideration the procedural irregularity in adjudicating the matter arising out of 107 CrPC proceeding, the learned Sessions Judge set aside the aforesaid order dated 18.06.2014 passed by the learned Sub Divisional Magistrate, Gogri.

5. I find no illegality in the impugned order dated 29.07.2015 passed by the learned Sessions Judge, Khagaria. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

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