

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45277 of 2011

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Dr. Ved Narayan Singh @ Ved Prakash S/O Late Ram Pravesh Singh
Resident Of Village- Mathawalia, P.O.- Daulatpur, P.S.- Ara Muffasil,
District- Bhojpur. Petitioner

Versus

The State Of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surendra Mishra

For the Opposite Party/s : Mr. M.N.Jha(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 30-06-2017 This Criminal Miscellaneous application has been

filed for quashing the order dated 28.07.2011 passed in G.R.No.

1292 of 2011 Trial No. 795 of 2011 arising out of Ara Muffasil

P.S. Case No. 93 of 2011 by learned Chief Judicial Magistrate,

Bhojpur at Ara whereby and whereunder the learned C.J.M. took

cognizance for the offences punishable under Sections 341, 323,

353, 337, 504/34 of the Indian Penal Code.

Heard learned counsel for the petitioner, learned APP
for the State and perused the impugned order and records.

From perusal of the impugned order dated 28.07.2011
it reveals that the learned Chief Judicial Magistrate has passed the
order mechanically, he has not written the order himself nor he has
applied his judicial mind in passing the impugned order. In the
impugned order the learned Chief Judicial Magistrate has written
the word '*Sangayan*' and thereafter '*Nitish Dayal*' which goes to



show that without applying judicial mind he has passed the impugned order mechanically. The impugned order appears to be written by Bench Clerk and he has simply written the word '*Sangayan*' and thereafter '*Nitish Dayal*' over the same. Such type of order has been deprecated several times by this Court. Accordingly, the impugned order dated 28.07.2011 is hereby quashed on the aforesaid ground alone and the matter is remanded back to the learned Chief Judicial Magistrate, Bhojpur at Ara for passing a fresh order.

In the result, this application is allowed with the aforesaid direction.

(Jitendra Mohan Sharma, J)

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