

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42044 of 2017

Arising Out of PS.Case No. -415 Year- 2015 Thana -MADHUBANI TOWN District-
MADHUBANI

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Nitish Kumar s/o Late Prabhu Prasad r/v- Chhatauni Chowk, Sports Club
Road, Motihari, P.S. – Chhatauni, District - Motihari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Singh, Adv.
Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-09-2017 Heard Shri Jagdish Prasad Singh learned counsel for the
petitioner and Shri Dinesh Singh learned A.P.P. for the State.

A short point has been urged by the learned counsel for the petitioner to the effect that a bare perusal of the order dated 18.04.2017 passed by the Chief Judicial Magistrate, Madhubani in G.R. No. 2621/15 arising out of Madhubani Town P.S. Case No. 415/2015 has been passed in a perfunctory manner without application of mind, as against the petitioner, merely on the ground that on an earlier occasion cognizance has been taken against other accused persons. It is a trite law that an order taking cognizance affects the self esteem and prestige of a person in the society, hence the order taking cognizance cannot be passed in a mechanical manner without application of mind.

For the afore-stated reason, the order dated 18.04.2017



passed by the learned Chief Judicial Magistrate, Madhubani in Madhubani Town P.S. Case No. 415/15, by which the petitioner has been summoned is set aside with further liberty to the learned Chief Judicial Magistrate, Madhubani to pass further order, as may be appropriate under the law, after hearing the parties.

The petition is allowed with the aforesaid liberty to the learned Chief Judicial Magistrate, Madhubani.

(Mohit Kumar Shah, J)

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