

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8874 of 2017

Arising Out of PS.Case No. -352 Year- 2016 Thana -VAISALI COMPLAINT CASE District-
VAISHALI (HAJIPUR)

=====

Prince Kumar Singh, Son of Sri Birendra Prasad Singh, Resident of Village-
Bishanpur Beri, P.S.- Mohiddi Nagar, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar.
2. Ram Naresh Singh, Son of Late Ram Bilash Singh.
3. Manju Devi, Wife of Ram Naresh Singh.
4. Prabha Kumari, Daughter of Ram Naresh Singh.
5. Amarjeet Kumar @ Pappu, Son of Ram Naresh Singh.
6. Raju Kumar, Son of Ram Naresh Singh.
All Sl. No. 2 to 6 are resident of Village-Birpur, P.S.- Jurawanpur, District-
Vaishali.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 30-10-2017

By way of present application filed under Section 482
of the Code of Criminal Procedure, the petitioner seeks quashing of
the order dated 22.12.2016 passed in Cr. Rev. No.312 of 2016 by the
learned Sessions Judge, Vaishali whereby the order dated
20.08.2016 passed by the learned Magistrate in Complaint Case
No.352 of 2016 by which bailable warrant of arrest had been issued
against the opposite party nos. 2 to 6 has been set aside and the
matter has been remanded to the learned Magistrate to pass order
afresh.

2. I have heard learned counsel for the petitioner



and perused the record.

3. The learned Magistrate had passed the order dated 18.06.2016 in three parts. The first two parts were not signed and in the 3rd part, which has been signed, he has directed for issuance of summons to the opposite parties. Subsequently, vide order dated 20.08.2016 he has directed for issuance of bailable warrant of arrest against the petitioner. The learned Sessions Judge vide his impugned order dated 22.12.2016 has recorded that since the first two parts of the order dated 18.06.2016 were not signed by the learned Magistrate, the 3rd part of the order cannot be justified and, for the same reason, the subsequent order dated 20.08.2016 passed by the learned Magistrate cannot be justified. Hence, while setting aside the aforesaid orders, he has remanded the matter back to the court of Magistrate for passing fresh order.

4. I see no illegality in the order passed by the learned Sessions Judge.

5. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.11.2017
Transmission Date	03.11.2017

