

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31933 of 2013

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

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1. Shaligaram Paswan son of Ram Das Paswan, R/O Village-Bikrampur, P.S.-Cheria Bariarpur, District-Begusarai
 2. Hare Ram Paswan son of Ram Das Paswan, R/O Village-Bikrampur, P.S.-Cheria Bariarpur, District-Begusarai
 3. Arun Kumar Paswan son of Ganesh Paswan, R/O Village-Bikrampur, P.S.-Cheria Bariarpur, District-Begusarai
 4. Ram Das Paswan son of Ram Prasad Paswan, R/O Village-Bikrampur, P.S.-Cheria Bariarpur, District-Begusarai
 5. Bhagwan Das Paswan son of Ram Prasad Paswan, R/O Village-Bikrampur, P.S.-Cheria Bariarpur, District-Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Mahadeo Paswan son of Mishri Paswan, R/O Village-Bikrampur, P.S.-Cheria Bariarpur, District-Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajey Kumar, Advocate
For the Opposite Party No.1 : Mr. Rana Randhir Singh, APP
For the Opposite Party No.2 : Mr. Tarkeshwar Prasad Verma, Advocate
Mr. Ashish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 02-02-2017

This petition has been filed for quashing notice dated 20.04.2013 (Annexure-6) issued by the SDM, Manjhaul, Begusarai in Case No. 174(M)/2007 under Section 107 Cr.P.C., by which the petitioners have been directed to furnish bonds of Rs.2000/- with two sureties of the like amount each for keeping peace and tranquility for a period of one year and for quashing the entire criminal proceeding arising out of the aforesaid Case No. 174(M)/07.

2. Heard learned counsel for the petitioners, learned APP



and learned counsel for opposite party no.2.

3. It has been submitted on behalf of the petitioners that after passing the order dated 23.07.2012 by the learned Adhoc Additional Sessions Judge IV, Begusarai in Cr.Appeal No. 36 of 2008, no any subsequent occurrence took place. He has further submitted that the learned Adhoc Additional Sessions Judge has passed order dated 23.07.2012 in a mechanical manner. The learned counsel for the opposite party no.2 has submitted that these petitioners have contested the proceeding under Section 107 Cr.P.C. in the lower court. They have adduced evidence and thereafter order dated 23.05.2008 was passed which was challenged by the petitioners in Cr.Appeal No. 36 of 2008 and the same was dismissed by the learned Adhoc Additional Sessions Judge IV, Begusarai by order dated 23.07.2012. This quashing petition has been filed as second revision which is not permissible in law. He has further submitted that no illegality or irregularity has been committed by the learned Adhoc Additional Sessions Judge IV, Aurangabad in passing order dated 23.07.2012.

4. The learned APP submits that there is no illegality in the impugned order.

5. From perusal of the order dated 23.07.2012 passed by the learned Adhoc Additional Sessions Judge IV, Begusarai it



appears that the proceeding under Section 107 Cr.P.C. has been initiated between the parties by learned SDM, Manjhaul, Begusarai in Case No. 174(M)/07. Both parties appeared in the aforesaid proceeding. Opposite party no.2 produced witnesses and these petitioners also produced one witness. The learned Magistrate after proper enquiry passed final order in the case on 23.05.2008 directing the petitioners to execute bonds of Rs.2000/- to maintain peace for a period of one year.

6. The aforesaid order dated 23.05.2008 was challenged in Cr.Appeal No. 36 of 2008 which was dismissed by the learned Adhoc Additional Sessions Judge IV, Begusarai and the order passed by the learned Magistrate dated 23.05.2008 was confirmed. In such circumstances, this Court does not find any justifiable reason to quash Annexure-6, which is the notice issued to the petitioners to execute bonds in terms of final order dated 23.05.2008 passed by the learned SDM, Manjhaul, Begusarai in Case No. 174(M)/2007. Hence, this petition is fit to be dismissed.

7. In the result, this petition is dismissed.

(Sanjay Priya, J)

Tahir/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.02.2017
Transmission Date	07.02.2017

