

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Revision No.429 of 2016**

Arising Out of PS. Case No.- Year- Thana- District- West Champaran

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1. Md. Aslam @ Aslam Mian son of Late Akbar Mian.
  2. Shahjahan Khatoon wife of Aslam Mian.
  3. Babloo Mian @ Babul Mian son of Abbas Mian. All are resident of Mohalla- Purani Bazar, Narkatiaganj, Police Station Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ali Hasan Mian son of Hakim Mian, resident of Mohalla- Purani Bazar, Narkatiaganj, Police Station Shikarpur, District- West Champaran

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar No.-7  
For the Respondent/s : Mr. DR.INDIWAR KUMARI (APP)

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

3      29-03-2018              Heard the learned counsels for the parties.

The petitioners are aggrieved by the order dated 24.12.2011 passed by the learned Executive Magistrate, Narkatiyaganj, West Champaran in Case No. 1361M of 2010 (Trial No. 97 of 2011) as well as the order passed in appeal dated 07.01.2016 by the 6<sup>th</sup> Additional District and Sessions Judge, West Champaran at Bettiah in Cr. App. No. 37 of 2012 whereby the order passed by the learned Magistrate has been upheld.

The petitioners were directed by the learned Magistrate to execute a bond for one year for



maintaining good behaviour. The aforesaid order was upheld in appeal.

Learned counsel appearing for the petitioner has submitted that admittedly petitioner no. 1 and 3 appeared before the Magistrate on 14.12.2010 whereas the petitioner no. 2 appeared on 18.04.2011. The final order by the Magistrate was passed on 24.12.2012.

It was thus argued by the learned counsel for the petitioner that the time limit of one year from the commencement of the proceedings under Section 116 was not maintained by the learned Magistrate.

The appellate court took into the account the aforesaid argument and held that the case of the two other persons who were proceeded against under Section 116 Cr.P.C., was separated on 29.07.2011 and only thereafter the proceedings/enquiry commenced. In that view of the matter the reference date would be 20.07.2011 and not the date when the petitioner no. 2 had appeared before the learned Magistrate. If 20.07.2011 is taken as the reference date, then the order has been passed within the time limit.

In that view of the matter, the order passed by



the learned Magistrate was upheld by the learned appellate court.

This Court finds no reason to interfere with the aforesaid orders passed by the courts below.

The petition is dismissed.

**(Ashutosh Kumar, J)**

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