

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37207 of 2019

Arising Out of PS. Case No.-18 Year-2014 Thana- SAHEBPUR KAMAL District- Begusarai

Nisha Kumari, aged about 66 years, female, Wife of Indradeo Prasad Yadav,
Resident of Village- Chharapatti, P.S.- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 25-06-2019 The present petition has been filed seeking quashing of the order dated 17.12.2018 passed by the learned Addl. Chief Judicial Magistrate, Ballia, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 18 of 2014, which has been instituted under Section 409 of the I.P.C., whereby the petition preferred on behalf of the petitioner for discharge has been rejected.

2. The order impugned does not at all advert to the



facts of this case and it appears that the order has been passed mechanically. From the record, it appears that an F.I.R. was lodged against the petitioner in her capacity as Principal of a school with the allegation that instead of payment of Rs. 700/- to a student towards diet expenses, only Rs. 600/- was paid and Rs. 100/- was deducted for the purposes of spending the same on videography.

3. In the instant petition, no material has been brought on record to indicate that the petitioner was not responsible for lesser payment of diet money. Apart from this, it appears from the record that only on the basis of statement made by two of the students, the F.I.R. has been lodged.

4. This Court is at complete loss to know the materials collected against the petitioner for the reason that the petition has been drafted with a very casual approach, without indicating any material therein and similarly the order impugned also is absolutely laconic.

5. The order impugned, therefore, is set-aside, not on the merits but on it not depicting anything for this Court



to adjudicate. This is not the manner in which a serious application like a discharge petition is to be disposed off.

6. The Trial Court is directed to pass a fresh order in accordance with law after taking into account all the facts necessary for the disposal of the petition. The matter is, thus, remitted to the concerned Trial Court for writing out a fresh order.

7. The petition is allowed to the extent indicated above.

(Ashutosh Kumar, J)

Praveen-II/-

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