

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2144 of 2018

Arising Out of PS. Case No.-253 Year-2013 Thana- NAWADA District- Nawada

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Ravindra Kumar Sinha Son of Prabhu Dayal, resident of Line Par Mirzapur,
Near Surya Mandir, P.S.- Town, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bhola Bhojpuri, S/o Late Basudeo Bhojpuri.
3. Shobha Devi, W/o Bhola Bhojpuri
4. Dulari Devi, W/o Tarun Kumar, D/o Bhola Bhojpuri,
5. Chanchala @ Puja Kumari, D/o Bhola Bhojpuri.
6. Vikas Kumar, S/o Bhola Bhojpuri,
7. Tarun Kumar, S/o Late Durga Prasad.
8. Ajay Kumar Sinha, S/o Bajrangi Prasad, Opposite Parties No. 2 to 8
Resident of Mohalla- Prasad Bigha, Near Mahamilap Hotel, P.S. District
Nawada.
9. Vijay Kumar Bhadani, S/o Rameshwar Ram,
10. Rajeev Kumar, S/o Bachchu Prasad, Both resident of Main Road, near
Prajatantra Chowk, Nawada, P.S. District- Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-11-2019 Heard Mr. Damodar Prasad Tiwary, learned

Advocate for the petitioner / informant and Mr. Ram Priya

Sharan Singh, learned APP for the State.

On the basis of the complaint lodged by Opposite

Party No. 2, an F.I.R. was registered *vide* Nawada Town P.

S. Case No. 253 of 2013 under Sections 323, 341, 379,



385, 420 and 34 of the Indian Penal Code. After the investigation report was placed before the learned Chief Judicial Magistrate, cognizance was taken under Sections 341, 323, 379, 385, 420 and 34 of the Indian Penal Code.

The aforesaid order dated 22.08.2014 passed by the learned Chief Judicial Magistrate was challenged by the opposite parties before the Sessions Judge, Nawada *vide* Cr. Revision No. 10 of 2015, who *vide* his order dated 02.08.2017, after perusing the paragraphs of the case-diary which was shown to him, set aside the order of cognizance and remitted the matter to the court below to pass a fresh order in accordance with law.

The present petition is directed against the revisional order dated 02.08.2017.

From perusal of the order impugned, it appears that such an order was passed on the ground of there being general and omnibus allegation against one of the accused persons, who incidentally is an Advocate. The aforesaid ground for setting aside the order of cognizance may not be sustainable but in the facts and circumstances of the case,



especially when such an order was passed on 02.08.2017, this Court would not like to interfere with the aforesaid order because the case has been remitted to the Court of the Chief Judicial Magistrate to take a fresh call on issue of cognizance.

This Court, however, directs that if the order passed on 02.08.2017 has not taken effect, the learned Chief Judicial Magistrate shall, without being influenced by any observation of the revisional Court, go through the entire materials in the police papers and shall pass an order in accordance with law within a period of two months from the date of production/communication of a copy of this order.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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