

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6489 of 2016

Arising Out of PS. Case No.-616 Year-2013 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Baleshwar Yadav S/o Late Mauji Lal Yadav R/o Village- Kahrachakley
Ratanpura, Ward No. 6, P.S. District- Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Hirakant Jha S/o Late Nityanand Jha
3. Indula Devi W/o Hirakant Jha
4. Sunaina Devi W/o Hirakant Jha All are resident of village P.S.- Bangao,
District- Saharsa at present residing in Village- Kahra Ward No.6, P.S.
District- Saharsa
5. Lambodar Jha S/o not Known Anchal Adhikari, Kahra, Anchal, Saharsa
6. Nemani Sada, S/o Not known Circle Inspector Kahra Anchal, District-
Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shiva Shankar Sharma
For the State	:	Mr.Nand Kumarapp
For the Opposite Parties	:	Mr. Sandeep Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-03-2020 The learned counsel for the petitioner has submitted

that the order impugned i.e. the order dated 7.10.2015 passed in

Criminal Revision No. 258 of 2015 has been passed without

hearing the complainant, hence, is bad in the eyes of law.

The learned counsel appearing for the accused

persons submits that he has got no objection, if the case is

remanded back to the learned court of Sessions Judge, Saharsa,



however, a date of hearing be fixed and it be directed that the final order should be passed within a stipulated time frame.

Having regard to the facts and circumstances of the case, the present petition is being disposed of with the consent of the parties. Accordingly, the order dated 7.10.2015 passed by the learned Sessions Judge, Saharsa in Criminal Revision No. 258 of 2015 is set aside and the matter is remanded back to the learned Sessions Judge, Saharsa for adjudicating the case on merits afresh after hearing both the parties.

In order to facilitate quick disposal of the matter, I deem it fit and proper to direct the parties to appear before the learned Sessions Judge, Saharsa on 23.3.2020 at 10:00 am. in order to address the Court with regard to their respective cases.

It is expected that that final order shall be passed by the learned Sessions Judge, Saharsa within a period of eight weeks from 23.3.2020.

It is clarified that the present case has not been adjudicated on merits and is being remanded back to the learned court of Sessions Judge, Saharsa, merely on account of the impugned order dated 7.10.2015 being quashed on technical grounds as also with the consent of the parties, for fresh adjudication on merits after hearing both the parties.



The present petition stands disposed of on the
aforesaid terms.

(Mohit Kumar Shah, J)

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