

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9052 of 2016

Arising Out of PS. Case No.-121 Year-2014 Thana- GAUNAHA District- West Champaran

1. Naubat Ram S/o Late Hikayat Ram
2. Keshwar Mahto S/o Hira Mahto
3. Sanjay Patel S/o Babu Lal Patel All residents of Mohalla - Pohra, Lachhnauta P.S. Gaunaha, West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Sunder Pandey, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 13-09-2023 1. The present petition has been filed for quashing the order dated 05.05.2015, passed by the learned court of J.M. 1st class, Bettiah, West Champaran in Gaunaha PS case no. 121 of 2014, by which the learned Magistrate has taken cognizance against the petitioners, after differing with the final form, submitted by the Police under Sections 323, 341, 504, 506/34.
2. The learned counsel for the petitioners has, at the outset, referred to an order dated 07.08.2023, passed by a co-ordinate Bench of this Court in Cr. Misc. no. 56416 of 2015 (Smt. Rashmi Acharya & Ors. vs. the State of Bihar & Anr.), whereby and whereunder the aforesaid order dated 05.05.2015 has been quashed *qua* the other accused persons, hence, it is



submitted that similar treatment be also meted out to the petitioners herein.

3. The learned APP for the State has not disputed the fact that the impugned order dated 05.05.2015, passed by the learned court of J.M. 1st class, Bettiah, West Champaran in Gaunaha PS case no. 121 of 2014 has already stood quashed vide order dated 07.08.2023, passed in Cr. Misc. no. 56416 of 2015 *qua* the petitioners of that case, hence, it is submitted that similar treatment may be meted out to the petitioners of the present case as well.

4. Having regard to the facts and circumstances of the case as also considering the fact that the case of the petitioners lie on a similar footing as that of the petitioners of the aforesaid Cr. Misc. no. 56416 of 2015, I deem it fit and appropriate to quash the impugned order dated 05.05.2015, passed by the learned court of J.M. 1st class, Bettiah, West Champaran in Gaunaha PS case no. 121 of 2014 *qua* the petitioners herein.

5. The present petition stands allowed.

(Mohit Kumar Shah, J)

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