

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44303 of 2019

Arising Out of PS. Case No.-63 Year-2013 Thana- BISHUNPUR District- Darbhanga

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1. Pawan Singh @ Pawan Kumar Singh, Son of Late Shyam Kishore Singh, Resident of Village-Udhopatti, P.S.- Bishanpur, District- Darbhanga.
 2. Shambhu Singh @ Anil Kumar Singh Son of Late Shyam Kishore Singh Resident of Village- Udhopatti, P.S.- Bishanpur, District- Darbhanga.
 3. Ashok Kumar Singh @ Ashok Singh, Son of Late Shyam Kishore Singh Resident of Village- Udhopatti, P.S.- Bishanpur, District- Darbhanga.

... .. Petitioners

Versus

1. The State of Bihar.
2. Sunaina Devi W/O Late Krishna Kumar Singh R/O- Village- Udhopatti, P.S.- Bishanpur, District- Darbhanga.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Jagannath Singh, Advocate
For the Opposite Party	:	Mr. Nagendra Prasad, APP
For Opp. Party No.2	:	Mr. Baidya Nath Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 4 08-08-2023 This application has been filed for quashing of the order dated 05.01.2016 passed by learned A.C.J.M., Darbhanga, in Bishunpur P.S. Case No.63 of 2013, by which the learned Magistrate has taken cognizance against the petitioners for the offence under Sections 341, 348, 323, 325, 379, 504 and 354/34 of the Indian Penal Code. Subsequently, the aforesaid order was modified by the learned Magistrate vide order dated 29.11.2018 and has taken cognizance against the petitioners for the offence under Section 27 of the Arms Act also.



2. A short submission has been made by learned counsel for the petitioners, which cannot be disputed by learned counsel for the opposite party no.2, that the impugned order has been passed on pre-prepared format without application of mind.

3. In these circumstances, the impugned order dated 05.01.2016 as well as the order dated 29.11.2018 passed by learned A.C.J.M., Darbhanga are set aside. The matter is remitted to the learned Magistrate for passing order afresh in accordance with law after perusing the allegations made in the complaint. Such an order must be passed within two months from the date of receipt/production of a copy of this order.

4. With the aforesaid observations and directions, this application is allowed.

(Sandeep Kumar, J)

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