

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19713 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Samastipur

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BINOD KUNWAR @ BINOD KUMAR @ VINOD KUWAR @ VINOD KUMAR Son of Shree Dhaneshwar Kunwar Resident of Village - Badhauna, P.S.- Vidyapati Nagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-03-2024 This application has been filed for quashing the order dated 04.02.2023 passed by the Additional District & Sessions Judge, Dalsinghsarai (Samastipur) in S. Tr. No. 45/2018 whereby summons were issued to two non-prosecution witnesses namely Surpati Kunwar and Ram Sajjan Kunwar to be examined as prosecution witnesses.

2. Learned counsel for the petitioner submits that the impugned order dated 04.02.2023 is cryptic and non-speaking. The petition dated 19.11.2022 was allowed merely on the ground of 'interest of justice' and as such, the impugned order dated 04.02.2023 is fit to be quashed.

3. In view of the submission made on behalf of the petitioner and from perusal of the impugned order, it is apparent



that the impugned order dated 04.02.2023 is cryptic and non-speaking. It does not contain reasons for arriving at the findings. Failure to do so vitiates the order impugned.

4. Accordingly, this quashing application is allowed and order dated 04.02.2023 passed by the Additional District & Sessions Judge, Dalsinghsarai (Samastipur) in S. Tr. No. 45/2018 is, hereby, quashed and matter is remanded to the concerned court to dispose of the petition in accordance with law after hearing the parties by a reasoned and speaking order.

5. This quashing application stands allowed.

(Prabhat Kumar Singh, J)

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