

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48068 of 2024

Arising Out of PS. Case No.-411 Year-2019 Thana- WARISLIGANJ District- Nawada

Dr. Ram Kumar S/O Sri Ram Pravesh Prasad R/O Village- Milkipar, P.S-
Rahui, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Indu Kumari @ Indu Devi W/O Sri Mantu Jha, D/O Sri Janardan Jha R/O
Village- Thera, P.S- Warisaliganj, Distt.- Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 20-08-2024 Heard learned counsel for the parties.

2. This application has been filed for quashing of the order dated 27.05.2024 passed by learned Sessions Judge, Nawada in Cr. Rev. No. 57 of 2023 whereby and whereunder without hearing the petitioner, who is the informant of the case has been pleased to allow the revision application filed by the opposite party no. 2 and set aside the order.

3. The petitioner is the informant of Warisaliganj P.S. Case No. 411 of 2019. The petitioner being the In-charge, Medical Officer, Primary Health Centre, Warisaliganj is the informant of that case. The case was investigated against two accused persons out of whom against one of them charge-sheet



was submitted against one accused and against another final form was submitted but cognizance was taken against both the accused on protest. The order taking cognizance was challenged before the Revisional Court. The Revisional Court has set aside the order taking cognizance by the impugned order dated 27.05.2024. The present application has been filed by the then Incharge, Medical Officer, Primary Health Centre, Warsaliganj and he is also presently posted there. No authorization has been filed by him to show that the State of Bihar has authorized him to file this application. The impugned order dated 27.05.2024 can only be challenged by State of Bihar through the petitioner but not by the petitioner in personal capacity.

4. In these circumstances, this application at the instance of the petitioner is held not maintainable and the same is dismissed. The dismissal of this case will however not prevent the State of Bihar to challenge the order dated 27.05.2024, in accordance with law.

(Sandeep Kumar, J)

Ranjeet/-

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