

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59882 of 2023

Arising Out of PS. Case No.-501 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Rajeev Kumar @ Mahanth Gupta Son Of Late Basudeo Gupta R/O Vill -
Subhas Nagar, Road No .9, P.S. - Sadar, Distt. - Muzaffarpur, Bihar. Also At
Nandpuri, Bibiganj, P.S. - Sadar, Distt. - Muzaffarpur, Bihar

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Ajay Kumar Tiwary, Son Of Late Ravindra Nath Tiwary, R/O Subhas Nagar,
Road No. 9, P.S. - Sadar, Distt. - Muzaffarpur, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh, Adv.
For the State	:	Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 06-08-2024 Heard learned counsel for the parties as well as

learned counsel for the O.P. No. 2.

2. The contention of the learned counsel for the

petitioner is that the final form submitted against the petitioner
has not been accepted and differing with the final form
cognizance has been taken by the impugned order dated
27.07.2022 passed by learned Chief Judicial Magistrate,
Muzaffarpur.

3. Learned counsel for the petitioner further submits

that the impugned order of cognizance is a non-speaking order.

Some paragraphs have been mentioned but the material have not
been discussed to differ with the final form.



4. This order in my view is no order in the eye of law, if a Magistrate wants to differ with a final form he has to assign the reasons and discuss the materials available on record.

5. Mr. Sarmendra Jha, learned counsel for the O.P. No. 2 has opposed the application and has submitted that the paragraph have been mentioned in the impugned order and the Magistrate has found *prima facie*, therefore, the order cannot be termed as illegal.

6. Having considered the arguments of the petitioner, I am of the view that the impugned order cannot be sustained.

7. This application is allowed, the matter is remitted back for fresh consideration by the Magistrate.

(Sandeep Kumar, J)

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