

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5617 of 2023

Arising Out of PS. Case No.-184 Year-2022 Thana- BODHGAYA District- Gaya

Guriya Devi wife of Anuj Kumar Manjhi Resident of village- beladih,p.s.-
Cherki, District- Gaya

... .. Appellant/s

Versus

1. THE STATE OF BIHAR patna
2. Sahbaz Khan@ Jun son of Sajrudin Khan@Sajo Khan Resident of village-
Baraini, p.s.- Cherki, District- Gaya
3. Arshad Khan@ Chua Khan son of Sajrudin Khan @ Sajo Khan Resident of
village- Baraini, p.s.- Cherki, District- Gaya
4. Manjar Alam @ Nepali son of Sajrudin Khan @ Sajo Khan Resident of
village- Baraini, p.s.- Cherki, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 16-05-2024 Heard the learned counsel for the appellant as well
as the learned APP for the State.

2. This application has been filed for quashing the
order dated 04.07.2023 passed by the learned Exclusive Special
Judge (POA), Gaya in connection with Bodhgaya (Cherki) P.S.
Case No. 184 of 2022 registered under Section 341, 323, 354,
504, 34 of the IPC and Section 3(1)(r)(s) of SC/ST Act.

3. Learned counsel for the appellant has submitted
that the learned court below committed illegality in accepting
the final form, ignoring the materials collected during course of



investigation. He submitted further that before accepting final form submitted by the investigating authorities, no notice was issued to the informant.

4. From perusal of the impugned order, it appears that despite notice, nobody appeared on behalf of the informant. The learned court below did not find material in paragraph nos. 7, 8, 9, 10, 22, 23 and 24 of the case diary. In view of the learned court below, there was no *prima facie* case for issuance of summons against the opposite parties.

5. In my view, there is no illegality, irregularity or any impropriety in the impugned order.

6. Accordingly, this appeal is disposed of with the observation that the order under appeal need not be interfered with.

(Nawneet Kumar Pandey, J)

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