

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.847 of 2021

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

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Santosh Kumar Son Of Shiv Shankar Prasad, Resident Of Village - Adampur,
P.S.- Shivsagar, District - Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary Bihar, Patna
2. Suresh Sharma Son of Samundra Sharma Resident of Village - Adampur,
P.O. - Torahi, P.S. Shivsagar, District - Rohtas.
3. Krishna Sharma Son of Suresh Sharma Resident of Village - Adampur, P.O.
- Torahi, P.S. Shivsagar, District - Rohtas.
4. Dhanjit Sharma Son of Suresh Sharma Resident of Village - Adampur, P.O. -
Torahi, P.S. Shivsagar, District - Rohtas.
5. Surendra Sharma Son of Late Samundra Sharma Resident of Village -
Adampur, P.O. - Torahi, P.S. Shivsagar, District - Rohtas.
6. Dhananjay Sharma Son of Suresh Sharma Resident of Village - Adampur,
P.O. - Torahi, P.S. Shivsagar, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nirmal Kumar Shrivastava, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, GP-14 Mrs. Jahan Ara, AC to GP-14
For the Resp. Nos.2 to 4 :	:	Mr. Naresh Kumar Mehta, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 09-09-2025 Present writ petition has been preferred by the

petitioner against the impugned order dated 21.01.2021 passed

by learned Additional District and Sessions Judge-XII, Sasaram,

Rohtas in Criminal Revision No. 176 of 2017, whereby learned

Additional Sessions Judge has set aside the order dated

03.12.2016 passed by learned S.D.M., Sasaram, Rohtas in Case

No. 396 of 2016 under Section 147 Cr.PC without hearing the

revisionist, who is respondent No.2 herein, finding that the



impugned order dated 03.12.2016 was passed against the revisionist without service of notice of the proceeding.

2. Heard learned counsel for the petitioner, learned GP-14 for the State and learned counsel for the respondent Nos. 2 to 4.

3. This is not disputed that order dated 03.12.2016 was passed by learned S.D.M., Sasaram, Rohtas in Case No. 396 of 2016 under Section 147 Cr.PC without service of notice upon the revisionist before the Court below and the respondent No.2 herein/Suresh Sharma. Hence, the order dated 03.12.2016 passed by learned S.D.M., Sasaram, Rohtas in Case No. 396 of 2016 was in violation of the principle of natural justice, and hence, there is no illegality in the impugned order dated 21.01.2021 passed by learned revisional court.

4. Hence, the present petition is dismissed upholding the impugned order dated 21.01.2021 passed by learned Additional District and Sessions Judge-XII, Sasaram, Rohtas, in Criminal Revision No. 176 of 2017.

5. Both the parties are directed to appear before the Court of S.D.M. on 15.09.2025 in Case No. 396 of 2016 and learned S.D.M., Sasaram, Rohtas will pass fresh order after hearing both the parties.



6. Accordingly, the present petition is dismissed with
direction as made above.

(Jitendra Kumar, J.)

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