

IN THE HIGH COURT OF JUDICATURE AT PATNA
SPECIAL LEAVE APPLICATION No.11 of 2025

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

=====

Maimoon Nesha @ Maimun Nesha, W/o Late Shekh Sataar @ Late Shekh Sattatar, R/o Village - Duho Suho, P.S. - Chhauradano, Distt. - East Champaran.

... .. Petitioner/Appellant

Versus

1. The State of Bihar.
 2. Pramod Prasad Srivastava, S/o Late Rajnarayan Prasad;
 3. Dheeraj kumar Srivastava @ Lal Saheb, S/o Jwala Prasad Srivastava;
 4. Ojaira Khatoon @ Khairoun Nesha, W/o Israil Mian;
- All are R/o Village - Duho Suho, P.S. - Chhauradano, Distt. - East Champaran.

... .. Respondents/Opposite Parties

=====

Appearance :

For the Appellant/s : Mr. Sunil Kumar No. III, Advocate
For the State : Mr. Bipin Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 14-10-2025 Heard learned counsel for the petitioner/appellant and

learned Additional Public Prosecutor for the State.

2. Mr. Bipin Kumar, the learned Additional Public



Prosecutor for the State, has pointed out from the order dated 13.02.2025, passed by this Court in Cr. Appeal (DB) No. 974 of 2024, that, in fact, this Court was given a wrong impression that the present case was instituted as a complaint case after the police submitted a final form but the informant raised a protest and the said protest petition was taken as a complaint case.

3. It is submitted at this stage, that the said information was not correct. In fact, in this case, the police submitted a final form, but the learned Magistrate, differed with the police report, took cognizance of the offences. The case was not instituted by way of a complaint case.

4. The learned counsel for the appellant admits that, in fact, he had not drawn the attention of this Court towards correct fact.

5. Having regard to the aforementioned submissions, this Court finds that Cr. Appeal (DB) has been rightly filed by the informant under *proviso* to Section 372 of the Code of Criminal Procedure (as existed at the relevant time). We, therefore, find that so far as S.L.A. No. 11 of 2025 is concerned, it has been filed in view of the observations of this Court, which was based on an incorrect statement made at the Bar.

6. At this stage, the learned counsel for the



petitioner/appellant submits that he would not press S.L.A. No. 11 of 2025.

7. Learned Additional Public Prosecutor for the State has no objection to the same.

8. In the aforesaid view of the matter, S.L.A. No. 11 of 2025 is dismissed as not pressed.

9. Let Cr. Appeal (DB) No. 974 of 2024 be placed on 30th of October, 2025 under the appropriate heading.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

Praveen-II/-

U		T	
---	--	---	--

