

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61451 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- SARAI District- Vaishali

1. Haridwar Mishra S/O Late Ram Janm Mishra Resident Of Village - Akhtiyarpur Patedha (Ward No. 03), P.S. - Sarai, District - Vaishali.
2. Prabhash Mishra S/O Haridwar Mishra Resident Of Village - Akhtiyarpur Patedha (Ward No. 03), P.S. - Sarai, District - Vaishali.
3. Om Prakash Mishra @ Pintu Mishra S/O Haridwar Mishra Resident Of Village - Akhtiyarpur Patedha (Ward No. 03), P.S. - Sarai, District - Vaishali.
4. Ranju Devi W/O Subhash Mishra Resident Of Village - Akhtiyarpur Patedha (Ward No. 03), P.S. - Sarai, District - Vaishali.
5. Anjana Devi @ Anjana Mishra W/O Prabhash Mishra Resident Of Village - Akhtiyarpur Patedha (Ward No. 03), P.S. - Sarai, District - Vaishali.
6. Bandana Devi W/O Om Prakash Mishra @ Pintu Mishra Resident Of Village - Akhtiyarpur Patedha (Ward No. 03), P.S. - Sarai, District - Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibha Devi W/O Rajeev Kumar Mishra @ Rajeev Mishra Resident Of Village - Akhtiyarpur Patedha (Ward No. 03), P.S. - Sarai, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajesh Kumar
For the opposite party/s :	Mr. A.G.
	Ms. Anju Kumari @ Anju Narain
	Mr. Makardhwaj Upadhyay
	Mr. Pranab Bardhan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 27-03-2025 Heard the learned counsel for the petitioners, learned
APP for the State and the learned counsel for the O.P. No. 02.

2. This application has been filed for quashing of the
order dated 30.01.2021 passed in Cr. Revision No. 49 of 2020
arising out of Sarai P.S. Case No. 60 of 2020 by which the Court
below has allowed the petition filed by the OP No. 02 wherein



the O.P. No. 02 has challenged the order of learned In-charge, ACJM-XIII, Vaishali at Hajipur dated 05.06.2020 whereby Court below has taken cognizance against four accused persons named in the FIR and also mentioned that investigation is going on against rest accused persons.

3. The learned counsel for the petitioner has submitted that now the supplementary charge-sheet has been submitted against all the accused persons.

4. The FIR of Sarai P.S. Case No. 60 of 2020 was registered under Sections 147, 148, 149, 341, 323, 324, 307, 302, 120B of the Indian Penal Code and in that case charge-sheet was submitted against Gudiya Devi, Chhoti Kumari, Sudhanshu Mishra and Shubhash Mishra on 27.05.2020. The investigation was pending against Mukesh Mishra.

5. So far as the other co-accused persons are concerned i.e., Haridwar Mishra, Om Prakash Mishra, Prabhash Mishra, Chhoti Devi, Madhubala Devi, Ranju Devi, Vandana Devi and Anjana Mishra were exonerated.

6. The Magistrate by the impugned order has taken cognizance against Gudiya Devi, Chhoti Kumari, Shudhanshu Mishra & Subhash Mishra and has observed that the investigation was pending against other accused persons



whereas the investigation was pending against one accused as stated above and rest of the accused persons were exonerated.

7. By the impugned order dated 30.01.2021, the Revisional Court has allowed the revision noticing the aforesaid facts. I do not find any illegality in the impugned order, therefore, this application is dismissed.

8. The Magistrate will examine the charge-sheet and will pass a reasoned order in accordance with law within one month of receipt of a copy of this order.

(Sandeep Kumar, J)

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