

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.630 of 2022

Arising Out of PS. Case No.-1709 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Pramod Kumar Gupta, Son Of Shiv Nath Prasad Gupta, R/O Village-
Vidyapati Nagar, P.S.- Vidyapati Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rahul Kumar Son Of Rajendra Prasad Gupta R/O Mohalla- Adarsh Nagar,
Road No.7, P.S.- Sasaram (Nagar), District- Rohtas
3. Ritesh Kumar Son Of Rajendra Prasad Gupta R/O Mohalla- Adarsh Nagar,
Road No.7, P.S.- Sasaram (Nagar), District- Rohtas
4. Banti Kumar Son Of Rajendra Prasad Gupta R/O Mohalla- Adarsh Nagar,
Road No.7, P.S.- Sasaram (Nagar), District- Rohtas
5. Rajendra Prasad Gupta Son Of Late Ramdas Sah R/O Mohalla- Adarsh
Nagar, Road No.7, P.S.- Sasaram (Nagar), District- Rohtas
6. Ratna Priya D/O Rajendra Prasad Gupta R/O Mohalla- Adarsh Nagar, Road
No.7, P.S.- Sasaram (Nagar), District- Rohtas
7. Gita Devi Wife Of Rajendra Prasad Gupta R/O Mohalla- Adarsh Nagar,
Road No.7, P.S.- Sasaram (Nagar), District- Rohtas
8. Puja Kumari @ Raj Laxmi D/O Rajendra Prasad Gupta R/O Mohalla-
Adarsh Nagar, Road No.7, P.S.- Sasaram (Nagar), District- Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Singh, Advocate Dr. Satyendra Kumar Srivastava, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the O.P. Nos. 2 to 8	:	None

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 29-07-2025 Learned counsel for the petitioner and learned APP
for the State are present. However, nobody is present on behalf
of O.P. Nos. 2 to 8, who were accused before the Court below.

2. LCR is already received.

3. The present Criminal Revision petition has been
preferred by the petitioner against the impugned order dated



07.03.2022, passed by learned A.C.J.M.-II, Samastipur in Complaint Case (C.R.) No. 1709 of 2019, whereby learned A.C.J.M., has dismissed the complaint after inquiry under Section 203 Cr.PC for want of evidence on record. The complaint was filed by the petitioner herein, for offence punishable under Sections 323, 324, 341, 379, 504, 497, 506, 120B, 406, 420, 313 read with Section 34 of the Indian Penal Code against the accused persons, who are O.P. Nos. 2 to 8 herein.

4. Learned counsel for the petitioner submits that during inquiry under Section 200 Cr.PC., besides the complainant, two other witnesses were examined. But the evidence of these inquiry witnesses were not considered at all. The order is cryptic, containing few lines without discussing the evidence which had come during inquiry. As such, the order is perverse and passed in mechanical manner without application of judicial mind. Hence, the impugned order is not sustainable. The case requires to be remanded to the Court below for re-inquiry and pass fresh order.

5. Learned APP for the State also fairly admits that the order is cryptic and perverse and it has been passed mechanically without application of judicial mind. The Court is



required to discuss the material/evidence which had come during inquiry. But the same has not been done by learned A.C.J.M. The order has been passed arbitrarily and mechanically without showing application of mind.

6. I considered the submissions advanced by learned counsel for the petitioner and learned APP for the State and perused the materials on record, including the LCR.

7. I find that three witnesses have been examined during inquiry, but their evidence has not been considered at all. The complaint has been dismissed by making one sentence observation that there is no material on record, whereas three witnesses, including the complainant, were examined, but their evidence was not considered at all. Hence, the order is perverse, arbitrary and mechanical.

8. Hence, the impugned order is set aside and the matter is remanded to the Court below for doing re-inquiry and pass fresh order.

9. Accordingly, the present petition stands allowed.

10. LCR be sent back to the concerned Court along with a copy of this order.

(Jitendra Kumar, J.)

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