

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66587 of 2021**

Arising Out of PS. Case No.-300 Year-2017 Thana- PATNA RAIL P.S. District- Patna

OM PRAKASH THAKUR @ OM PRAKASH PRASAD Son of Sri Sheo
Narayan Prasad Resident of Village and P.O. - Chetan Kishor, P.S.-
Sikandarpur, District - Baliya (U.P.).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanchay Srivastava

For the Opposite Party/s : Mr.Madhura Nand Jha

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER**

3 27-03-2025 Heard the learned counsel for the petitioner and
learned counsel for the State.

2. This application has been filed on behalf of the
petitioner for quashing the order dated 25.02.2019 passed by
learned Special Judge, Excise, Patna in Spl. No. 2474 of 2017
arising out of Rail P.S. Case No. 300 of 2017.

3. At the very outset, learned counsel for the
petitioner has taken this Court to the order taking cognizance
dated 25.02.2019 passed by the Special Judge, Excise, Patna by
which the cognizance has been taken.

4. Upon perusal of the impugned order, it appears to
have been passed on a printed format without any application of
mind by the Special Judge.



5. Learned counsel for the petitioner has relied upon the judgment of this Court passed in ***Cr. Misc. No. 34891 of 2013 (Nokia Siemens Network Private Limited Vs. The State of Bihar)***.

6. In view of the above, this application is allowed.

7. Accordingly, the order dated 25.02.2019 passed by learned Special Judge, Excise, Patna in Spl. No. 2474 of 2017 arising out of Rail P.S. Case No. 300 of 2017 is hereby quashed.

(Sandeep Kumar, J)

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