

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4243 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- SC/ST District- Madhepura

1. AJAY KUMAR @ AJAY KUMAR YADAV Son of Late Dipu Yadav Resident of Village - Bhelwa, Ward No.5, P.S.- and Dist.- Madhepura.
2. Yogendra Prasad Yadav @ Yogendra Yadav Son of Late Jagdish Yadav Resident of Village - Bhelwa, Ward No.5, P.S.- and Dist.- Madhepura.
3. Ratnesh Yadav @ Ratan Yadav Son of Jugut Lal Yadav Resident of Village - Bhelwa, Ward No.5, P.S.- and Dist.- Madhepura.
4. Pintu Yadav @ Pintu Kumar Son of Arun Yadav Resident of Village - Bhelwa, Ward No.5, P.S.- and Dist.- Madhepura.
5. Arun Yadav Son of Manji Yadav Resident of Village - Bhelwa, Ward No.5, P.S.- and Dist.- Madhepura.
6. Laxman Yadav Son of Late Sahdeo Yadav Resident of Village - Bhelwa, Ward No.5, P.S.- and Dist.- Madhepura.
7. Chhotu Kumar @ Chhotu Yadav @ Bipin Yadav Son of Dipu Yadav Resident of Village - Bhelwa, Ward No.5, P.S.- and Dist.- Madhepura.
8. Chhotu Yadav @ Chhotu Kumar Son of Sikendra Yadav Resident of Village - Bhelwa, Ward No.5, P.S.- and Dist.- Madhepura.
9. Shobha Devi W/o Arun Yadav Resident of Village - Bhelwa, Ward No.5, P.S.- and Dist.- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rekha Kumari Wife of Raj Kumar Ram Resident of Village - Bhelwa, Ward No.5, P.S.- and Dist.- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumar Vishoka Nand
For the State : Mr.Usha Kumari I, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

16 27-02-2025

Heard learned counsel for the appellants and learned
Spl. P.P. for the SC/ST Act. None appears on behalf of the
informant despite valid service of notice.

2. The present appeal has been filed on behalf of the



appellants for quashing the cognizance order dated 4.4.2019 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, Madhepura in connection with Madhepura SC/ST P.S. Case No. 39 of 2018.

3. As per the prosecution case, the appellants are alleged to have assaulted the informant because of land dispute between them and it is also alleged that the accused persons have also taken her gold chain.

4. On the basis of the allegations levelled against the appellants, the aforesaid FIR was registered and the police, after investigation have exonerated three accused persons namely Chhotu Yadav, Shobha Devi, Dropadi Devi and submitted charge-sheet against other accused persons.

5. The learned Special Judge has taken cognizance against all the charge-sheeted accused persons and has also taken cognizance against Chhotu Yadav and Shobha Devi against whom, final form was submitted by the police.

6. On the perusal of the impugned order, it appears to be a cryptic and non-speaking order and considering the law laid down by the Hon'ble Supreme Court passed in the cases of *Pepsi Foods Ltd. v. Special Judicial Magistrate* reported in (1998) 5 SCC 749 and *Delhi Race Club (1940) Ltd. v. State of*



U.P. reported in *(2024) 10 SCC 690*, I am of the view that such a cryptic order by which the cognizance has been taken cannot be sustained.

7. Accordingly, the cognizance order dated 4.4.2019 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, Madhepura in connection with Madhepura SC/ST P.S. Case No. 39 of 2018 is hereby set aside.

8. This appeal stands allowed.

(Sandeep Kumar, J)

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