

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8889 of 2016

Arising Out of PS. Case No.-434 Year-2015 Thana- MAJHAULIA District- West Champaran

1. Jubaida Khatoon W/o Shekh Sahab
2. Ladli Khatoon @ Sarwari Begam @ Ladli W/o Amjad Ali
3. Shekh Sujay @ Sheikh Sujayat S/o Late Shekh Ilakat
4. Shekh Sahab
5. Shekh Amjad Ali @ Shekh Amajad both sons of Shekh Sujay All resident of village- Ramnagar Bankat, P.S.- Majhauliya, District- West Champaran, Bettiah

... .. Petitioner/s

Versus

1. State Of Bihar
2. Chandni Khatoon W/o Shekh Ekram, R/o Village- Ram Nagar Bankat Tola Shekh Toli, P.S.- Majhauliya, Dist.- West Champaran Bettiah

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Madan Kumar App

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 06-01-2026 Heard the learned counsel for the petitioner and
learned APP for the State.

2. At the very outset, learned counsel for the petitioner submits that petitioner no. 3 has died and therefore this application may be permitted to be withdrawn on his behalf.

3. Permission is accorded and accordingly, this application is dismissed as withdrawn on behalf of petitioner no. 3 and now this application is restricted to petitioner nos. 1, 2, 4 and 5.



4. This application has been filed for quashing the order dated 26.11.2015 passed by the Judicial Magistrate, 1st Class, Bettiah, West Champaran in Tr. No. 3088 of 2015 arising out of Majhauriya P.S. Case No. 434 of 2015.

5. Learned counsel for the petitioner has submitted that, after investigation, the police had submitted final form with regard to the petitioner no. 2, but the Court below, differing with the final form has taken cognizance against petitioner no. 2 and rest of the accused persons after charge-sheet was submitted.

6. After perusal of the impugned order, it appears that the same has been passed without assigning any reasons and is in a typed format.

7. In the opinion of this Court, such a cryptic and non-speaking order which has been passed without application of mind cannot be sustained.

8. In view of the above, this application is allowed and the order dated 26.11.2015 passed by the Judicial Magistrate, 1st Class, Bettiah, West Champaran in Tr. No. 3088 of 2015 arising out of Majhauriya P.S. Case No. 434 of 2015 is hereby quashed with regard to the existing petitioners i.e. petitioner nos. 1, 2, 4 and 5 and the matter is remitted back to the concerned Court for fresh consideration with regard to



taking of cognizance.

9. While considering the case of the petitioners, the concerned Court below must consider the objection of the petitioners/accused that this case is not maintainable for the alleged offences in the Court below and the same is maintainable before the Gram Kachahari.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

