

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26959 of 2019

Arising Out of PS. Case No.-168 Year-2015 Thana- EKANGARSARAI District- Nalanda

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1. SHIVANANDAN PRASAD Son of Late Nemnarayan Prasad Resident of Village- Mahua Bagh, Post- Kosiyava, P.S.- Ekangarsarai, District- Nalanda.
 2. Subhash Kumar @ Subhash Prasad Son of Shivanandan Prasad Resident of Village- Mahua Bagh, Post- Kosiyava, P.S.- Ekangarsarai, District- Nalanda.
 3. Rausan Kumar S/o Jagat Prasad Resident of Village- Mahua Bagh, Post- Kosiyava, P.S.- Ekangarsarai, District- Nalanda.
 4. Bipin Kumar Son of Subhash Kumar @ Subhash Prasad Resident of Village- Mahua Bagh, Post- Kosiyava, P.S.- Ekangarsarai, District- Nalanda.
 5. Navin Kumar S/o Subhash Kumar @ Subhash Prasad Resident of Village- Mahua Bagh, Post- Kosiyava, P.S.- Ekangarsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sushila Devi W/o Sandip Kumar R/o Village- Mahuabagh, Post- Kosiyava, P.S.- Ekangarsarai, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 27-01-2026 Heard the learned counsel for the petitioners and learned counsel for the State. None appears on behalf of the informant despite valid service of notice.

2. This application has been filed on behalf of the petitioners for quashing the order dated 04.08.2016 passed by the learned SDJM, Hilsa in connection with Ekangarsarai P.S. Case No. 168 of 2015.



3. As per the prosecution case, while the informant was at his house, the petitioners came there and have started abusing the informant. It is also alleged by the informant that the petitioners snatched gold chain, ear-ring from her and have assaulted her with sharp edged weapon.

4. It has been submitted by the learned counsel for the petitioners that the petitioners have falsely been implicated in this case and there is admitted land dispute between the parties for which Land Dispute Case No. 236 of 2014-15 is also pending.

5. Learned counsel for the petitioners further submits that the allegation of theft was also levelled against the petitioners which has been found untrue by the police during investigation.

6. 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*) and has submitted that upon perusal of the impugned order, it will appear that the same has been passed on a printed format and therefore the same may be quashed.

7. Learned counsel for the State has supported the impugned order and has opposed the prayer of the petitioners.



8. I have heard and considered the submission of the parties.

9. Though, learned counsel for the State has tried to defend the impugned order but this Court is not convinced to uphold the impugned order as the same is on a printed format.

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

11. Accordingly, the order dated 04.08.2016 passed by the learned SDJM, Hilsa in connection with Ekangarsarai P.S. Case No. 168 of 2015, is hereby quashed.

(Sandeep Kumar, J)

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