IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41677 of 2018

CNR No. BRHC010404592018

Arising Out of PS. Case No.-191 Year-2015 Thana- EAST CHAMPARAN COMPLAINT District- East Champaran

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Abbas Ali Son of Md. Ishak, Resident of Village- Dumari, P.S.- Ramgarhwa, District- East Champaran, Bihar.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. Vakil Ahmad, Son of Late Dost Mohammad.
3. Shahnawaz Zafar, Son of Vakil Ahmad. All are residents of Village- Dumari, P.S. Ramgarhwa, District- East Champaran.
4. Kumar Raushan, S.H.O. Ramgarhwa Police Station, District- East Champaran. at present posted as Inspector, SOGO6 (Darbhanga) STF,Patna ,Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Raja Ram Mishra
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay
For the O.P. No. 2 and 3	:	Mr. Sanjeev Kumar Singh
For the O.P. No. 04	:	Mr. Kumar Raushan
		Mr. Afsar Imam
		Ms. Dimpi Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

7 27-10-2026 Heard the parties.

2. This application has been filed for quashing the order dated 21.04.2018 passed in Cr. Revision No. 64 of 2017 and 118 of 2017 by the ADJ-IX, East Champaran by which the cognizance taken under Section 323, 341, 447, 380, 504, 120B of the Indian Penal Code against the opposite party nos. 2 to 4 vide order dated 18.01.2017 passed by the SDJM, Raxaul in

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Complaint Case No. 191 of 2015 has been set aside.

3. As per the complaint petitioner, the complainant, Md. Abbas Ali, while in judicial custody, filed a complaint petition through the Assistant Superintendent of Jail on 03.07.2015, which was received in the Court of the learned S.D.J.M., Raxaul, on 06.07.2015. The complainant alleged that on 10.06.2015, Raushan Kumar, the then Officer-in-Charge of Ramgarhwa Police Station, called him to the police station in connection with a land dispute with Wakil Ahmad and threatened him to relinquish the land. Thereafter, the SHO took the complainant to his house in a police jeep, forcibly searched the premises, and allegedly took away Rs. 3,00,000/- kept in a briefcase.

4. It is further alleged that the SHO assaulted him, obtained his signature on blank paper and subsequently implicated him in Ramgarhwa P.S. Case No. 58/2015 under the Arms Act without preparing any seizure list. The complainant claimed that despite approaching senior police authorities, no action was taken and he possessed an audio recording of his conversation with the SHO. Upon inquiry, the learned S.D.J.M., Raxaul found a prima facie case under Sections 323, 341, 447, 380, 420, 504 and 120B of the Indian Penal Code.

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5. Upon a close perusal of the order taking cognizance, it would be evident that the learned Magistrate, while taking cognizance against Opposite Party Nos. 2 to 4, has failed to discuss the facts and materials available on record or demonstrate due application of judicial mind. The order taking cognizance appears to have been passed by merely filling in the blanks in a pre-printed format without recording any reasons or reflecting an independent judicial assessment of the materials on record. Such a mechanical exercise, devoid of proper application of judicial mind, is legally unsustainable. The practice of passing judicial orders by filling in blanks in a pre-prepared printed format is highly objectionable and contrary to the requirement of a reasoned judicial order.

6. Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of ***Pepsi Food Limited and Anr. vs. Special Judicial Magistrate and Others*** reported in ***(1998) 5 SCC 749*** and the decision of this Court in the case of ***Nokia Siemens Network India Pvt. Ltd & Others Vs. The State of Bihar & Others*** passed in ***Cr. Misc. No. 34891 of 2013***, I am of the considered view that the order taking cognizance is bad in law and the same cannot be sustained and the same has rightly been set aside by the

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impugned order.

7. In view of the aforesaid discussions, this Court does not find any ground to interfere with the impugned order.

8. Accordingly, this application stands dismissed.

(Sandeep Kumar, J)

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