# IN THE HIGH COURT OF JUDICATURE AT PATNA
## CRIMINAL MISCELLANEOUS No.32490 of 2019

**CNR No. BRHC010464002019**

Arising Out of PS. Case No.-86 Year-2013 Thana- KATIHAR MUFFASIL District- Katihar

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1. Harendra Singh S/o Kisandeo Singh R/v- Udama Rekha Chawk, P.S.- Mufassil, District- Katihar
2. Sanjay Kumar @ Sanjay Kumar Singh @ Sanjay Singh S/o Harendra Singh R/v- Udama Rekha Chawk, P.S.- Mufassil, District- Katihar
3. Ajay Kumar Singh @ Ajay Singh @ Ajay Kumar S/o Sri Herendra Singh R/v- Udama Rekha Chawk, P.S.- Mufassil, District- Katihar

... ... Petitioner/s

Versus

1. The State Of Bihar
2. Devo Singh S/o Late Sakal Deo Singh R/v- Pakada Daniya Toli, P.S.- Naugachhiya, Distt.- Bhagalpur

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mrs. Priyanka Pandey, Adv.
Mr. Mukund Mohan Jha, Adv.
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**
**ORAL JUDGMENT**
**Date : 29-10-2026**

**1.** Heard the parties.

**2.** The present quashing petition has been preferred to quash the order dated 06.03.2019 passed in S.Tr. No. 169/17 (arising out of Mufassil P.S. case No. 86/13) by the learned Additional District Judge IV, Katihar whereby and whereunder the application filed by petitioners under section 227 of Cr.P.C. for discharge from the case has been rejected by the learned Court without applying his judicial mind, without considering the facts and without assigning any reason.

**3.** As per brief case of prosecution as lodged on the

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basis of statement of O.P. No. 2 on 11.06.2011, it appears that the petitioners who are in-laws and husband committed dowry death of the daughter of the informant due to non-fulfillment of dowry after administering toxic substance. At the time of occurrence the daughter of the informant was about eight months pregnant.

**4.** Learned counsel for the petitioner submitted that the wife of the petitioner no. 3 in advance condition of pregnancy went to field for cutting grass on 13.06.2013, whereafter she developed headache and other problems, due to which she was admitted to the hospital, where she died. It is submitted that doctor categorically found that no toxic substance as alleged was found.

**5.** Learned counsel submitted that with all such scientific finding which was of unimpeachable in nature, the petitioners preferred petition under Section 227 of Cr.P.C. before the learned trial court on 07.08.2017 which is Annexure-4 of the petition.

**6.** It is submitted that instead of passing a reasoned order, the order which was passed by learned trial court is very mechanical in nature without dealing the issues which was raised by the petitioners through the aforesaid petition.

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**7.** At this stage it would be apposite to reproduce the order dated 06.03.2019 which is impugned order through which the petition of the petitioner was rejected by the learned trial court which is as under:-

> "कुल 3 अभियुक्तों में 1 की ओर से हाजरी दी गई है। शेष 2 की ओर से दाखिल प्रतिनिधित्व आवेदन को सिर्फ आज हेतु स्वीकार किया जाता है। 7.8.17 को अभियुक्तगण की तरफ से Cr.P.C. 227 का Petition दाखिल किया गया था। आज उभयपक्ष की सुनवाई पश्चात इसे खारिज किया गया है। अगली तिथि 26.3.19 को चार्ज फेम हेतु निर्धारित किया गया।"

**8.** It is apparent from the aforesaid order that it was passed without supplying any reason. Time and again Hon'ble Supreme Court held that order passed without reason is no order in eyes of law. In support of his submissions, learned counsel relied upon para no. 8 of the legal report of the Hon'ble Supreme Court as reported in the matter of ***Nagendra Ray vs. State of Bihar and Anr. [ 2026 SCC OnLine SC 2199],*** which is as under:-

> ***"8.*** *Insofar as Ramakant Solanki is concerned, even though the High Court recorded the submission of the Investigating Officer in respect of the video footage, it has failed to provide its own independent analysis or reasons as to whether this video footage adversely impacts Ramakant Solanki's prayer for bail. Merely recording the submissions of the parties without any independent assessment of such submissions is not a proper approach while dealing with applications for bail. Reference to material, however concise they may be, ought to be made to show application of mind. Importantly, it is 'the reasons' which form the backbone of all judicial decisions. We may briefly refer to a decision of this Court in Assistant Commissioner, Commercial Tax Department v. Shukla and Brothers8 to*

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*emphasize this point. It was held there as follows:*
*19. In the cases where the courts have not recorded reasons in the judgment, legality, propriety and correctness of the orders by the court of competent jurisdiction are challenged in the absence of proper discussion. The requirement of recording reasons is applicable with greater rigour to the judicial proceedings. The orders of the court must reflect what weighed with the court in granting or declining the relief claimed by the applicant….*
*24. Reason is the very life of law. When the reason of a law once ceases, the law itself generally ceases (Wharton's Law Lexicon). Such is the significance of reasoning in any rule of law. Giving reasons furthers the cause of justice as well as avoids uncertainty. As a matter of fact it helps in the observance of law of precedent. Absence of reasons on the contrary essentially introduces an element of uncertainty, dissatisfaction and give entirely different dimensions to the questions of law raised before the higher/appellate courts. In our view, the court should provide its own grounds and reasons for rejecting claim/prayer of a party whether at the very threshold i.e. at admission stage or after regular hearing, howsoever concise they may be."*

**9.** In view of aforesaid, the impugned order dated 06.03.2019 *qua*, all above named petitioners is hereby quashed and set aside, with a direction to ld. Trial court to pass a fresh and reasoned order on petition dated 07.08.2017.

**10.** TCR, if any, be returned to learned trial court alongwith the copy of this judgment, henceforth.

**(Chandra Shekhar Jha, J)**

Sudha/-

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| **AFR/NAFR** | NAFR |
| **CAV DATE** | NA |
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