

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52674 of 2019

Arising Out of PS. Case No.-937 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. SURYADEO BHAGAT @ SURYADEO PRASAD Son of Late Sarayun Bhagat @ Sarju Bhagat Resident of Village - Jagdeo Nagar, In front of Clinic of Dr. B.P.Singh, Sasaram, P.O. and P.S.- Sasaram (T), Dist.- Rohtas (Bihar)
 2. Rita Devi Wife of Tej Narayan Bhagat @ Bhagat Tej Narayan Prasad Resident of Village - Jagdeo Nagar, In front of Clinic of Dr. B.P.Singh, Sasaram, P.O. and P.S.- Sasaram (T), Dist.- Rohtas (Bihar)
 3. Tej Narayan Bhagat @ Bhagat Tej Narayan Prasad Son of Suryadeo Bhagat @ Suryadeo Prasad Resident of Village - Jagdeo Nagar, In front of Clinic of Dr. B.P.Singh, Sasaram, P.O. and P.S.- Sasaram (T), Dist.- Rohtas (Bihar)
 4. Rohit Kumar @ Rohit Kumar Gautam Son of Tej Narayan Bhagat @ Bhagat Tej Narayan Prasad Resident of Village - Jagdeo Nagar, In front of Clinic of Dr. B.P.Singh, Sasaram, P.O. and P.S.- Sasaram (T), Dist.- Rohtas (Bihar)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bharat Singh Son of Late Bhangi Singh Resident of Village - Senahi, P.S.- Tilauthu, Dist.- Rohtas at Present resident of Mohalla- Nuranganj (Jagdev Nagar), P.S.- Sasaram (T), Dist.- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-01-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

2. Despite valid service of notice, O.P. No. 2 has not
appeared.

3. This application has been filed on behalf of the
petitioners for setting aside/quashing the order dated 20.05.2019



passed in Cr. Revision No. 65/2019 passed by Learned Additional Sessions Judge 13th, Rohtas at Sasaram whereby and whereunder the order dated 08.01.2019 passed by learned Magistrate in Compliant Case No. 937/2017 has been set aside as under Section 203 of the Cr.P.C. stating that if *prima facie* case is made out then cognizance should have been taken in the matter and the matter has been remanded back.

4. A report was called for by the Magistrate from the police and in the report it has come that no occurrence has taken place.

5. The Magistrate was well within his power to dismiss the complaint on the basis of materials available on record, including the report of the police and in my view by the revisional order the Magistrate has been directed to take cognizance which is not permissible.

6. In these circumstances, the order dated 20.05.2019 in Compliant Case No. 937/2017 passed by Learned Additional Sessions Judge 13th, Rohtas at Sasaram, is hereby quashed and set aside.

7. This application stands allowed.

(Sandeep Kumar, J)

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