

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18817 of 2015

Arising Out of PS.Case No. -2310 Year- 2012 Thana -COMPLAINT CASE District- ARRARIA

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1. Amar Kumar @ Amarjeet Kumar, Son of Shri Vijay Prasad Yadav, Resident of Mohalla- Bari Khanjarpur, Navin Ganguli Road, Police Station- Barari, District- Bhagalpur.
 2. Sanny Kumar, Son of Shri Mahesh Yadav, Resident of Mohalla- Bari Khanjarpur, Maharajghat Road, Police Station- Barari, District- Bhagalpur.
 3. Chandra Shekhar Kumar, Son of Kailash Prasad, Resident of Mohalla- Adarsh Nagar Phulakiya, Police Station- Ghogha, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Abhishek Anand, Advocate, Son of Shri Krishan Mohan Mallik, Resident of Village- Shivpuri, Ward No. 09, Araria, Post Office + Police Station + District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Yadav

For the Opposite Party/s : Mr. Smt.Reena Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-05-2015 In the present application filed under section 482 of the Code of Criminal Procedure, the petitioners have challenged the summoning order dated 19.01.2015 passed by the learned Judicial Magistrate Ist Class, Araria in complaint case no. 2310(c) of 2012. The aforementioned order dated 19.01.2015 has been passed on the basis of the statement made by the complainant on oath as well as on the basis of statement of the three enquiry witnesses namely Shiv Shankar Bhagat, Ashish Anand Tiwary and Maheshwar Tiwary. Neither the statement of

complaint nor the statement of the witnesses recorded under section 202 of the Code of Criminal Procedure has been placed on record. In absence of the evidence of those witnesses recorded in course of the enquiry, I find it difficult to decide the case on merit.

In that view of the matter, the application is disposed of with liberty to the petitioner to file another application before this Court in the same subject matter after bringing on record all the relevant documents.

(Ashwani Kumar Singh, J)

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