

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8264 of 2012

Arising Out of PS.Case No. -408 Year- 2010 Thana Tajpur (Pusa) District- SAMASTIPUR

Subodh Singh @ Subodh Kr. Singh, S/O Ramotar Singh, Resident Of Village Morsand Jagir Tola, Police Station Pusa, District Samastipur.

.... Petitioner/s

Versus

The State Of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul, Adv.

For the State : Mr. Ajay Kumar No. 1, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-02-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 5.9.2011 passed in Tajpur (Pusa) P.S. Case No. 408 of 2010 by the Chief Judicial Magistrate, Samastipur.

The case of the Chowkidar is that he learnt that one Suresh Manjhi had died and the children were saying that the Petitioner had killed him. By the time, he went to inform the Police, the last rites were performed.

It has been submitted that in the entire investigation, no positive material has transpired against the Petitioner showing his complicity.

The learned A.P.P. has gone through the case diary and

submits that apart from an oral allegation that the Petitioner had given two slaps to the deceased for having plucked some vegetables, there is no further material with regard to causing his death. The witnesses have stated that the deceased was very unwell and was in habit of consuming liquor and probably, also a snake had beaten him.

In view of the aforesaid circumstances, the application is allowed and the entire proceeding including the order of cognizance dated 5.9.2011 passed in Tajpur (Pusa) P.S. Case No. 408 of 2010 by the Chief Judicial Magistrate, Samastipur, is hereby set aside.

(Anjana Prakash, J)

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