

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 13936 of 2012

Arising out of P.S. Case No. -65 Year- 2004 Thana –Udakishunganj
(Gwalpara) District- MADHEPURA

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Vijay Kumar Ram Son of Late Chandrabali Ram Resident of Village-
Gwalpara, Police Station- Gwalpara, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. M. K. Rana, Adv.

For the Opposite Party/s : Mr. R. B. Roy “Raman” APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-06-2015

The Petitioner seeks quashing of the order of cognizance dated 07.11.2004 passed by the Judicial Magistrate, 1st Class, Madhepura in Udakishunganj (Gwalpara) P.S. Case No. 65 of 2004 on the ground that he has wrongly been charge-sheeted even though his brother Vinay Kumar Ram was named in the First Information Report and his name had not transpired during the entire investigation.

The case diary was called for to ascertain this fact and it appears that two brothers namely Ajay Kumar Ram and Vinay Kumar Ram sons of Chandrabanshi Ram were named in the First Information Report. Subsequently, no witness named Vijay Kumar Ram as having been involved in the present occurrence. Despite the same, Police for some reason submitted charge-sheet against the Petitioner and not Vinay Kumar Ram. A report was also called in this regard from the Officer In-charge, Police Station, Udakishunganj (Gwalpara) who has merely stated that Ajay Kumar Ram and Vinay Kumar Ram

sons of Chandrabanshi Ram were named in the First Information Report and, therefore, Investigating Officer had released Vijay Kumar Ram (Petitioner) on Police bail as noted in Paragraph 37. However, Vijay Kumar Ram and Vinay Kumar Ram are two brothers but have separate identities and the charge-sheet was submitted against Vijay Kumar Ram. He has not explained as to how and under what circumstances charge-sheet was submitted against Vijay Kumar Ram and not Vinay Kumar Ram.

In such circumstances, the proceeding including the order of cognizance dated 07.11.2004 passed by the Judicial Magistrate, 1st Class, Madhepura in Udakishunganj (Gwalpara) P.S. Case No. 65 of 2004 is, hereby, set aside so far as the Petitioner is concerned.

The application stands allowed.

The Court below is directed to look into the records of the case and issue summons to Vinay Kumar Ram, Son of Chandrabanshi Ram who was named in the First Information Report.

Let case diary be remitted to the Court below immediately.

Vikash/-

(Anjana Prakash, J.)

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