

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18627 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Baidya Nath Sharma Son of Late Sita Ram Sharma, resident of village-
Bangal Khar, P.S. Kuchai Kol, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arun Kumar Singh Son of Late Ram Bhajan Singh, At New Colony
Balughat, Road No. 4, P.S. Muzaffarpur Town, District- Muzaffarpur. At
present General Secretary, North Bihar Gramin Bank Employee Officers
Congress, Raj Market, Akharaghat Road, P.S. Muzaffarpur (T), District-
Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bam Deo Pandey, Adv.
Mr. Jitendra Pandey, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-05-2015

The petitioner seeks quashing of the order dated
28.02.2015 passed by the learned Judicial Magistrate, Muzaffarpur
in C. No. 02 of 2015, whereby, finding a prima facie case to be
made out for the offences under sections 504, 506 and 385 of the
Indian Penal Code, the petitioner has been summoned to face trial.
The aforementioned summoning order has been passed after
perusing the allegations made in the complaint as well as
statement of the complainant recorded on oath and the statement
of the witnesses recorded in course of enquiry conducted under
section 202 of the Code of Criminal Procedure.

Neither the statement of the complainant nor the statement of the enquiry witnesses has been brought on record. In absence of the aforementioned statements, I find it difficult to decide this case on merits.

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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