

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13095 of 2013

Arising Out of PS.Case No. -283 Year- 2012 Thana -NALANDA COMPLAINT CASE District-
Nalanda at Biharsharif

Dayanand Singh, Son of Late Brahamdeo Singh, Resident of Village Fatehli, P.S. Deepnagar, District Nalanda.

.... Petitioner

Versus

1. The State of Bihar.

2. Awadhesh Prasad, Son of Sri Hari Prasad, resident of Devisarai, P.S. Deepnagar, District Nalanda.

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Pankaj Kumar, Advocate

For the State : Mr. Jitendra Kumar Singh, APP

For the O.P. No.2 : Mr. Raj Kishore Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-07-2015

Heard learned counsel for the petitioner and learned APP
for the State assisted by learned counsel for the opposite party no.2.

2. The present petition has been filed for quashing the
order dated 05.12.2012 passed in Complaint Case No.283c/2012 by
which Sri Ranjan Kumar Mishra, learned Judicial Magistrate, Ist
Class, Nalanda at Biharsharif has taken cognizance of offence under
Section 406 of the Indian Penal Code and directed issuance of
process against the petitioner.

3. Considering the stage of the case and also that a prima
facie case has been found against the petitioner having regard to the
accusations in the complaint and the materials available on record,

this Court is not inclined to interfere with the impugned order at this stage. The petitioner will be at liberty to raise all points appropriately at the time of framing of charges.

4. The petition, accordingly, stands disposed of.

(Vikash Jain, J)

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