

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28441 of 2012

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1. Arun Gupta S/O Late Kashi Nath Prasad R/O Mo-Kachahari Road, Tilak Chowk, Ward No. 6po, P.S And Distt- Madhubani.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s Mr. Jitendra Kr.Singh 1(App)

For Opp-party No.2 Mr. Soban Asgar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 20-02-2015 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for Opposite party no.2.

Learned counsel for the petitioner while assailing the order dated 07.05.2012 passed by learned Sessions Judge, Madhubani in Criminal Revision No. 657 of 2011 whereby, he has affirmed the order of the learned Chief Judicial Magistrate, Madhubani in Ladaniya P.S. Case no. 85 of 2006 taking cognizance of an offence under Section 406/34 of the Indian Penal Code, has asserted that there is absolutely no evidence collected in course of investigation on the basis of which offence as alleged against the petitioner can be said to be constituted.

If it is so, learned counsel for the petitioner has remedy

to raise the point before the appropriate Court under Section 227 of the Code of Criminal Procedure at the time of framing of charge.

This application is disposed of with the observation as aforesaid.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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