

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17083 of 2015

Arising Out of PS.Case No. -184 Year- 2014 Thana -SITAMARHI District- SITAMARHI

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1. Anil Kumar Gupta son of Uma Shankar Prasad Resident of village - Janki Asthan, Ward No. 7, P.S. Sitamarhi, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dashrath Sah son of Sukdeo Sah Resident of village - Rashidpur, Ward No. 12, P.S. Sheohar, District - Sheohar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. U.S.P.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 23-04-2015 This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 02.07.2014 passed by the learned Chief Judicial Magistrate, Sitamarhi in Sitamarhi P.S.Case No.184 of 2014 by which he has taken cognizance against the petitioner for the offences punishable under Sections 147, 148, 149, 302 and 120B of the Indian Penal Code and 27 of the Arms Act.

The petitioner is named in the FIR. There is allegation that the petitioner and others committed murder of brother of the informant. The police investigated the case and finding sufficient material against the petitioner, submitted chargesheet against him pursuant to which the learned Chief Judicial Magistrate, Sitamarhi

took cognizance of the offence. It would be apparent from the order impugned that while passing the order, the learned Chief Judicial Magistrate, Sitamarhi has taken into consideration not only the allegations made in the FIR but also the materials collected in course of investigation and the police report submitted under Section 173(2) of the Code of Criminal Procedure. I find no error in the impugned order passed by the learned Chief Judicial Magistrate, Sitamarhi. Accordingly, this application is dismissed.

(Ashwani Kumar Singh, J)

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