

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26072 of 2012

Arising Out of PS.Case No. -96 Year- 2011 Thana -null District- NAWADA

1. Bachhu Sao @ Bachhu Prasad S/O Lattan Sao R/O Village - Sherpur, P.O. + P.S. Sirdala, District - Nawada

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Block Development Officer, Sirdalla, P.S. Sirdalla, Distt. Nawada

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rajendra Pd. Nut, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

The Petitioner seeks quashing of the order of cognizance dated 11.3.2012 passed by the Chief Judicial Magistrate, Nawada in Sirdala P.S. case No.96 of 2011 (G.R. No.1867 of 2011).

It has been submitted that despite the money having been deposited pursuant to the order passed by a Writ Court (Annexure-2), the First Information Report was instituted without justification.

Notices had been issued to the Opposite Party No.2 to ascertain this fact but despite service of notice he has chosen not to appear before this Court.

Since this is a factual aspect, which cannot be gone into by this Court at the stage of 482 Cr.P.C., the application is disposed of with a direction to the Court below to summon the Informant by

designation and not name and verify the claims of the Petitioner and thereafter pass an order in accordance with law within a period of two months from the date of receipt of this order.

(Anjana Prakash, J)

Narendra/-

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