

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16923 of 2016

Arising Out of PS.Case No. -175 Year- 2014 Thana -KEOTI District- DARBHANGA

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Gauri Shankar Sah @ Gauri Sah Son of Rajendra Sah, Resident of Village -
Ram Nagar, P.O. - Susta Tolee, Police Station - Gai Ghat, District -
Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. B.M.P Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 29-09-2016 Heard Sri Prabhat Kumar Singh, learned counsel for the

petitioner and Sri B.M.P. Sinha, learned Additional Public

Prosecutor

The sole petitioner who was not named as accused in
the F.I.R. in Keoti P.S. Case No. 175 of 2014 has approached this
court with a prayer to quash an order dated 19.5.2015 whereby
the learned Judicial Magistrate Ist Class, Darbhanga (hereinafter
referred to as “Magistrate”) after submission of charge sheet has
taken cognizance of offence under Section 395 of the Indian
Penal Code.

It was submitted by learned counsel for the petitioner
that F.I.R. was lodged against unknown, during investigation
petitioner was implicated on the confessional statement of the co-

accused who disclosed that he had sold the looted articles to the petitioner. Learned counsel for the petitioner submits that petitioner is also running a jewelry shop and he falsely was implicated.

Fact remains that in a case registered under Section 395 of the Indian Penal Code during investigation petitioner's involvement has transpired and thereafter charge sheet was submitted and the learned Magistrate on the basis of charge sheet and materials available on record has passed the order of cognizance. After going through the impugned order I do not find any apparent error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J)

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