

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20115 of 2016

Arising Out of PS.Case No. -4 Year- 2006 Thana -NAURANGIA District-
WESTCHAMPARAN(BETTIAH)

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Brahmanand Pandey S/o Phulena Pandey, resident of village-
Hanumanganj, P.O. -Bhaisaha, P.S.- Hanumanganj, Tehsil - Khadda,
District-Kushi Nagar, Uttar Pradesh, permanent resident of village-
Rajahwa(Rajahi) Reta, P.S. Naurangiya, District - West Champaran, Bihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pratyush Kumar

For the Opposite Party/s : Mr. C. Sen Pd. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 23-09-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is challenging the order of
cognizance dated 25.10.2008 arising from Naurangia P.S. Case
No. 04 of 2006 for offence under section 25(1-B) a/26 of the Arms
Act.

The counsel for the petitioner submits that the
allegation made in the first information report is completely wrong
though basically he has a native place in West Champaran, but
from the childhood, he has been living in the State of Uttar
Pradesh in the district of Kushi Nagar. Some accused persons
have gone for hunting of deer and when the Forest official

identified them, they have thrown their gun in the house of petitioner and fled away. He has further submitted that the petitioner has no knowledge about the case earlier and only he could know in the month of January 2016 and directly approached this Court after a long period whereas the order has been passed on 25.10.2008.

This Court is not inclined to interfere with the order of cognizance. However, if the petitioner approaches the Magistrate, who will examine the case of the petitioner and pass necessary order in accordance with law.

The counsel for the petitioner has placed reliance on the statement recorded under section 164 Cr. PC its value, will be seen at the appropriate stage, not at this stage.

Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

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