

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37417 of 2010

Arising out of Complaint Case No.393 Year- 2005 District- EAST CHAMPARAN (MOTIHARI)

Bidya Sah, son of late Ram Briksh Sah, resident of village Baikhwa Nanhkar Tola,
P.S. Kesariya, Distt. East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Amit Tiwary, son of Sri Kameshwar Tiwary, resident of village Shambhuchak,
P.S. Kalyanpur, Distt. East Champaran.
3. Subhash Sah, son of Sri Ramayan Sah
4. Bishwanath Dubey, son of late Suchit Dubey
5. Niranjana Dubey, son of Bishwanath Dubey
6. Munna Dubey, son of Bishwanath Dubey
7. Fulkanti Devi, wife of Bishwanath Dubey
8. Ramayan Sah, son of late Saryug Sah

All Opposite Parties No. 3 to 8 are residents of village Bishkhwa, P.S. Kesariya,
Distt. East Champaran.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III, Adv.

For the State : Mr. Uday Chand Pd., A.P.P.

For the Opposite Parties No. 3 to 8 : Mr. Shakti Suman Kumar, Adv.
Mr. Rajesh Ranjan No. 1, Adv.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-02-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 31.8.2010 passed by the Judicial Magistrate, 1st Class, Sadar Motihari, East Champaran, in enquiry Case No. 164 of 2010 arising out of Complaint Case No. 393 of 2005 to the extent that in his opinion an offence under Section 364 of the Indian Penal Code is made out but the Court has not taken cognizance under the said Section.

Considering that the cognizance is not taken of an

offence but of a case as a whole, the Court below is directed to pass orders at the appropriate stage as to what offence is made out and proceed in accordance with law.

With the aforesaid observation, the application stands disposed off.

(Anjana Prakash, J)

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