

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4549 of 2016

Arising Out of PS.Case No. -359 Year- 2014 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Neyazullah @ Imteyaz Neyaz S/o Md. Ebadullah, R/o Mohalla- Mahalpar,
P.S.- Biharsharif, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Niraj Kumar Pandey S/o Saytendra Kumar, Resident of village-
Mohanpur, P.S.- Nalanda, District- Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Shailendra Kumar-Ii(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 18-10-2016 Heard learned counsel for the petitioner and

learned counsel for the State.

Learned counsel for the petitioner seeks to assail

the order dated 26.11.2015 passed by the learned Chief Judicial
Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S.
Case No. 359 of 2014 whereby cognizance has been taken under
Sections 341, 323, 325 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the

though entire case is false and frivolous and there is no material as
against the petitioner, yet the learned Magistrate took cognizance
of the offence and the petitioner is likely to face the charge.

After having heard learned counsel for the parties

and on perusal of the order dated 26.11.2015, I do not find any

infirmity in the order impugned and as such, the application for quashing the order of cognizance is rejected.

However, if the petitioner raises all such contentions at the time of framing of charge, it shall be open for the concerned court to consider his contention in accordance with law without being prejudiced by the present order.

(Anjana Mishra, J)

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