

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 3246 of 2016

Arising Out of PS.Case No. -551 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Sabib Miyan @ Sabib Alam son of Late Aziz Miyan, Resident of village-
Bakhraur, Sheikh Toliya, P.S.- Barauli, District- Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. Bhola Miyan son of Late Najib Miyan, Resident of village- Sanah, P.S.-
Manjhagarh, District- Gopalganj

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bakshi S.R.P.Sinha, Sr.Adv.
Mr. Lokesh Kumar Singh
For the Opposite Party/s : Mrs. Veena Kri.Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 29-07-2016 Heard Sri Bakshi S.R.P.Sinha, learned senior counsel,

who was assisted by Sri Lokesh Kumar Singh, learned counsel for

the petitioner and Smt. Veena Kumari Jaiswal, learned Addl.

Public Prosecutor.

The sole petitioner has approached this Court
invoking its inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, with a prayer to quash an order dated
17-09-2015 passed in Complaint Case No. 551 of 2015/Trial No.
1399 of 2015. By the said order, the learned Judicial Magistrate 1st
Class, Gopalganj has taken cognizance of offence under Sections
417, 406 and 465 of the Indian Penal Code and directed for

issuance of processes. The order of cognizance has been assailed mainly on the ground that on the alleged date of occurrence, the petitioner was abroad.

Learned counsel for the petitioner tried to persuade the Court that there are documents to show that at the relevant time, the petitioner was abroad.

Be that as it may, since order of cognizance has been passed, the question of *alibi* may not be examined at this stage. If so advised, the petitioner may take such plea at the time of charge.

The petition stands dismissed.

(Rakesh Kumar, J.)

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