

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17182 of 2016

Arising Out of PS.Case No. -159 Year- 2014 Thana -PANDAU District- MADHUBANI

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1. Anil Kumar Mishra Son of Bhuneshwar Mishra
 2. Bhuneshwar Mishra Son of late Batuk Mishra Both residents of Village-Siswa, Ps Pandau, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shailendra Kumar Jha Son of Late Tipti Narayan Jha resident of Village-Siswa, P.S. Pandaul, District Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Kumar Sharma

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 24-06-2016

The present application has been filed for quashing for quashing the order dated 23.11.2015 passed in Pandaul P.S. Case No. 159 of 2014 by learned Chief Judicial Magistrate, Madhubani whereby processes have been directed to be issued after cognizance being taken under Sections 188, 427, 379 and 504/34 of the Indian Penal Code.

It appears that on conclusion of the final form (charge-sheet) has been submitted against petitioner no. 1 whereas petitioner no. 2 has not been sent up for trial but after going through the materials collected during investigation the cognizance has been taken against all the accused persons

including petitioner no. 2.

At the stage of taking cognizance the learned Magistrate has to see that accusation, prima facie, constitutes offence. Hence, this Court is not inclined to interfere at this stage.

Accordingly, this application is disposed of with liberty to the petitioners to raise all the contentions at appropriate stage of the proceeding.

(Dinesh Kumar Singh, J)

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