

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41621 of 2013

Arising Out of PS.Case No. -61 Year- 2012 Thana -BIHIYA District- BHOJPUR

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Gyaneshwar Kumar son of Keshav Prasad, resident of village + Post -
Gaura, P.S.-Behea, Dist.-Bhojpur, Bihar - 802166

.... Petitioner

Versus

1. The State of Bihar
2. Dhirendra Kumar, son of late Paras Ram, Village - Gaura, P.S.-Behea,
O.P.-Bahoranpur, Dist.-Bhojpur, Bihar

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dr. Binay Kumar Singh

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 19-05-2016 Heard Sri (Dr.) Binay Kumar Singh, learned
counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, invoking inherent jurisdiction under Section 482 of the Code of Criminal Procedure, has prayed for quashing of an order dated 07.01.2013 passed by the learned Chief Judicial Magistrate, Bhojpur, Ara in Behea (Bahoranpur) P.S. Case no.61/2012. By the said order, the learned Magistrate has taken cognizance of offence under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner assailing the order of cognizance submits that same is not sustainable in the eye of law on the ground that in this case, F.I.R. was lodged seven

days after the occurrence. He further submits that there is no specific accusation, but there is general and omnibus allegation. In the case diary also, according to learned counsel for the petitioner, there is no specific accusation of overt act against the petitioner. He further submits that the petitioner is a student. On the aforesaid ground, learned counsel for the petitioner has made a prayer for quashing the order of cognizance.

The Court is of the opinion that the grounds, which have been taken by learned counsel for the petitioner, has got no relevance for assailing the order of cognizance in a case, in which after investigation, chargesheet was submitted for the offence under Section 302/34 of the Indian Penal Code. The petitioner is one of the named accused in the F.I.R. It is true that in the F.I.R., there is general and omnibus allegation. So far delay in lodging the F.I.R. is concerned, those points may not be examined at this stage.

The petition stands dismissed.

(Rakesh Kumar, J)

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