

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23593 of 2016

Arising Out of PS.Case No. -42 Year- 2014 Thana -KHAGAUL District- PATNA

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Amit Raj, S/o Mahesh Prasad, resident of Mohalla - Tarchha, P.S. Sheikhpura, District – Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar,
2. Zishan Khan S/o Mushtaq Khan, Resident of Farhan Apartment, Ashiana Road, P.S. Hawai Adda, Distt. – Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. J. Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 29-09-2016

Heard.

This application has been filed under Section 482 of the Cr.P.C. for quashing of order dated 15.04.2015 passed in Khagaul P.S. Case No. 42 of 2014, whereby the learned Sub-Divisional Judicial Magistrate, Danapur took cognizance of offence under Section 379 of Indian Penal Code and issued summon to him.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. In course of investigation it has only come that this petitioner was seen with the stolen motorcycle of the informant on Facebook, except that there is nothing against the petitioner.

On going through the order dated 15.04.2015, it appears that the learned Sub-Divisional Judicial Magistrate, Danapur took cognizance of offence under Section 379 of Indian Penal Code. I find

no illegality to interfere with the same in extraordinary jurisdiction under Section 482 Cr.P.C. and accordingly the present application is dismissed.

(Rajendra Kumar Mishra, J.)

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