

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14819 of 2016

Arising Out of PS.Case No. -58 Year- 2014 Thana -HABIBPUR District- BHAGALPUR

=====

SURENDRA KUMAR alias “SONU” , son of Sri Etwari Yadav, resident of Daudbat, P.S. Habibpur, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Sharma , son of Sri Ramesh Prasad Sharma , resident of Harpur , P.O. Harpur P.S. Shakhund, District Bhagalpur (informant)

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. R.S.Choudhary(App)

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 27-09-2016 Heard Sri Chitranjan Sinha, learned senior counsel, assisted by Sri Diwakar Upadhyaya, learned counsel for the petitioner and Sri Ram Sewak Chaudhary, learned Additional Public Prosecutor.

The sole petitioner, has approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”) with a prayer to quash an order dated 16.9.2015 passed by learned Judicial Magistrate 1st Class, Bhagalpur (hereinafter referred to as “Magistrate”) in Habibpur P.S. Case No. 58 of 2014. By the said order the learned Magistrate has taken cognizance of offence under Section 341, 323, 384, 427, 504, 34 of the Indian Penal Code.

Learned senior counsel while assailing the order has firstly argued that the order of cognizance is liable to be set aside on the ground that no reason has been assigned. According to learned senior counsel for the petitioner the order was passed without application of mind. He further submits that the petitioner has been made accused only because of the fact that he was brother of the vendor of the land in question. On aforesaid ground a prayer has been made to quash the order of cognizance.

Learned Additional Public Prosecutor has opposed the prayer of the petitioner.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. After going through the impugned order, I do not find any apparent error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

U		T	
---	--	---	--