

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4634 of 2016

Arising Out of PS.Case No. -53 Year- 2013 Thana -KUMARGHAND District- MADHEPURA

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1. Bipin Kumar, S/o Ram Kumar Sah, Resident of Israine Khurdh, Vill +
P.O.- Jaduapatti, P.S.- Kumarkhand, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Gulab Chand Das, S/o Late Mani Das, Resident of Village- Jaduapatti,
P.S.- Kumarkhand, Distt- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar
Mr. Amarjeet Prabhakar

For the Opposite Party/s : Mr. Jharkhandi Upadhyay(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 17-10-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks to assail the order dated 18.2.2015 whereby the court of Additional Chief Judicial Magistrate, Madhepura has proceeded to take cognizance against the petitioner, though at the time of submission of final form, the petitioner's name was not included in it and names of other co-accused persons were sent up for trial.

Learned counsel for the petitioner submits that learned Magistrate without application of mind and in a most mechanical manner has passed the impugned order. He further submits that the investigation having found no case against the petitioner, the final form was submitted leaving aside the present petitioner and

sending the rest of the persons up for trial.

It appears from the perusal of the impugned order that the learned Magistrate has once again perused the case diary before passing the impugned order. Thus, it cannot be said that there is non-application of mind by the Magistrate. As such, there is no illegality in the impugned order. The application is thus, dismissed.

It is, however, open to the petitioner to raise his contentions in the Court below at a future date.

(Anjana Mishra, J)

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