

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22600 of 2013

Arising Out of PS.Case No. -27 Year- 2007 Thana -EKANGARSARAI District- NALANDA
(BIHARSHARIFF)

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Sonu Kumar, s/o Kapildeo Prasad, Resident of village - Chaurai, Police
Station – Ekangarsarai, District – Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Manohar Paswan , S/o Late Kishun Paswan
Resident of village - Chaurai P.S. Ekangarsari District Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad

For the Opposite Party/s : Mr. J.Upadhyay(APP)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 15-03-2016 Heard Sri Sunil Prasad, learned counsel for the
petitioner and Sri Jharkhandi Upadhyaya, learned A.P.P.

The sole petitioner, invoking inherent jurisdiction of
this court under Section 482 of the Code of Criminal Procedure,
1973 has prayed for quashing of an order dated 5.4.2011 passed
in Ekangarsarai P.S. Case No. 27 of 2007 (G.R. No. 194 of
2007) by the learned Additional Chief Judicial Magistrate, Hilsa,
Nalanda. By the said order the learned Magistrate differing with
the police report has taken cognizance of offences under Sections
307, 504/34 of the Indian Penal Code, Section 27 of the Arms
Act and Section 3 and 4 of the Explosive Substances Act even
against the petitioner. Though the case was committed to the
court of sessions, the present petition was filed in the year 2013

challenging the order of 2011 i.e. the order of cognizance. I have perused the impugned order. On going through order impugned the court is satisfied that the learned Magistrate while differing with the police report had examined the case diary and referring to certain paragraphs of the case diary has passed the order of cognizance. There is no apparent error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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