

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 679 of 2016

Arising out of P.S. Case No. - null Year - null Thana - null District - NALANDA
(BIHARSHARIFF)

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Bindeshwar Prasad @ Binda Mahto @ Binda, Son of Late Madhu Mahto, Resident
of Village Nanad, P.S. Silao, District Nalanda

.... Petitioner

Versus

1. The State of Bihar through the D.G.P Bihar, Patna
2. The Superintendent of Police, Nalanda
3. Devendra Kumar, Son of Late Budhu Mahto, Resident of Village Ajnaura, P.S.
Noor Sarai District Nalanda

.... Respondents

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Appearance :

For the Petitioner : Mr.

For the Respondents : Mr. S.S.P. Yadav, S.C. XIV

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-03-2017

Respondent no. 3 Devendra Kumar, initially, filed
Silao Police Station Case No. 31 of 2013 for offence under Sections
304(B)/34 of the Indian Penal Code. The case was transferred to Noor
Sarai Police Station by Silao Police on the ground of territorial
jurisdiction. Thereafter Noor Sarai Police Station Case No. 135 of
2013 has been registered and the police have already submitted
charge-sheet under Section 306 of the Indian Penal Code in Noor
Sarai Police Station Case No. 135 of 2013.

2. Grievance of the petitioner is that in the court both
cases are still alive i.e. Silao Police Station Case No. 31 of 2013 as
well as Noor Sarai Police Station Case No. 135 of 2013, therefore,



one case should be dropped/quashed.

3. Learned counsel for the State submits that the informant of this case has challenged the order of transfer of the FIR from Silao Police Station to Noor Sarai Police Station before the learned Sessions Judge, Nalanda in criminal revision which is still pending for consideration.

4. The petitioner may approach this Court after disposal of the criminal revision because the learned Sessions Judge is court of which both the police stations and the Magistrates In-charge are subordinates.

5. The petitioner shall appear before the revisional court who shall pass necessary order in the pending criminal revision after hearing the petitioner also, if the petitioner so advised.

6. Accordingly, this writ application stands disposed of.

(Birendra Kumar, J)

Kundan

AFR/NAFR	N.A.
CAV DATE	N.A.
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