

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18024 of 2014

Arising Out of PS.Case No. -410 Year- 2012 Thana -LAHERIASARAI District- DARBHANGA

- =====
1. Alok Ranjan @ Alok Sah @ Gopal Sah, son of late Nandlal Sah, resident of village - Donar, P.S.-Laherisarai, Dist.-Darbhanga.

.... Petitioner/s

Versus

1. State of Bihar
2. Vishnuchandra Pappu, son of late Satya Narayan Thakur, resident of village - Benta Shahganj, P.S.-Laheriasarai, Dist.-Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Satyendra Kumar Srivastava, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 31-10-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 17.04.2013 passed by the Chief Judicial Magistrate, Darbhanga, in Laheriasarai P.S. Case No.410 of 2012 by which the learned Magistrate has taken cognizance against the petitioner and another accused for the offence under Section(s) 341, 323, 324, 504/34 Indian Penal Code.

2. Counsel for the petitioner has submitted that instant case has been filed due to political rivalry. He has further submitted that the Court below has committed illegality in taking cognizance against the petitioner.



3. Learned APP has submitted that the police after investigation submitted charge-sheet against the petitioner and another accused as named in the charge-sheet. The Court below after looking into charge-sheet, materials available in the case diary including Injury Report, has taken cognizance in the case. Injury Report has been enclosed as Anneuxre-3 to the petition.

4. The Court below is required only to see *prima facie* case at the time of taking cognizance on the basis of allegation in the written report, materials in the case diary including Injury Report.

5. The police after investigation submitted charge-sheet against this petitioner and another accused. The Court below after perusing the allegation in the written report, materials available in the case diary including Injury Report, has taken cognizance against this petitioner and another accused for the offence under Section(s) 341, 323, 324, 504/34 Indian Penal Code.

6. Therefore, this Court does not find any illegality in the impugned order passed by the learned Court below.

7. The application is, accordingly, dismissed.

8. However, liberty is given to the petitioner to raise all these points, as raised in this petition, at the time of framing of Charge in the Court below, which shall be considered and disposed



off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13-11-2017
Transmission Date	13-11-2017

