

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21649 of 2014

Arising Out of PS.Case No. -219 Year- 2011 Thana -KISHANGANJ District- KISANGANJ

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Md. Quasim son of Late Ali Baksh resident of village - Chahatpur, Police Station -
Dighal Bank, District - Kishanganj

.... Petitioner

Versus

1. The State of Bihar
2. Prabhaker Bharti son of Sri Rameshwar Rai A.S.I. (Bihar Police) of
Kishanganj Police Station, District - Kishanganj

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Dilip Kumar Singh, Advocate
For the State : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 28-07-2017

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. This application is filed by the petitioner under
Section 482 of the Code of Criminal Procedure, 1973 for setting aside
the cognizance order dated 19.9.2011 passed by Chief Judicial
Magistrate, Kishanganj in Kishanganj P.S. Case No.219 of 2011
whereby cognizance has been taken under Sections 413 and 414/34 of
the Indian Penal Code.

3. The prosecution case as narrated in the F.I.R. in brief
is that a pick up van was intercepted by the police on the way but
persons driving the pick up van and another person escaped away



taking advantage of darkness in night and 15 calves were recovered from pick up van.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is the owner of the pick up van. He was not present at the spot so he had no knowledge what material was being carried on the pick up van and the vehicle has been released in his favour whereas the learned Additional Public Prosecutor submits that allegation is that the petitioner was carrying the stolen calves from his pick up van and the report of the court below shows that none has turned up claiming possession of the calves and according to the I.O. it was obtained from chor hatia.

5. Having considered rival submissions and on perusal of record, I find no illegality in the impugned order. There is no merit in this application.

6. The application stands dismissed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
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