

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42556 of 2013

Arising Out of PS.Case No. -419 Year- 2012 Thana -MADHEPURA District- MADHEPURA

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Aditya Prakash S/O Ashok Prasad Yadav R/O Ward No. 9, Azad Nagar, P.S+
District- Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha, Advocate

For the Opposite Party/s : Dr. Mayanand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-04-2017

By way of the present application preferred under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), the petitioner seeks quashing of the order dated 22.06.2013 passed by the learned Chief Judicial Magistrate, Madhepura in Madhepura P. S. Case No. 419 of 2012 by which he has taken cognizance for the offences punishable under Sections 279, 353 and 337/34 of the Indian Penal Code (for short 'IPC'),

2. The contention of the petitioner is that a false and concocted case has been instituted against him.

3. The allegations made in the FIR do attract the ingredients of the alleged offences. During investigation, the



offences alleged were found true and the petitioner was sent up for trial.

4. After submission of the police report, the learned Magistrate looked into the FIR, the statements of witnesses recorded under Section 161(3) of the Cr.P.C. and the police report submitted under Section 173(2) of the Cr.P.C. and found a *prima facie* case to be made out against the petitioner under Sections 279, 353 and 337/34 of the IPC.

5. In the opinion of this Court, no illegality has been committed by the learned Magistrate while passing the order impugned. The defence of the petitioner cannot be looked into by the court at the stage of taking cognizance of the offence. No other legal point has been raised in the present application in order to show that the impugned order is bad in law.

6. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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