

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5534 of 2017

Arising Out of PS.Case No. -174 Year- 2015 Thana -PATLIPUTRA District- PATNA

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Dhruv Lal Yadav, Son of Late Ramashray Rai, Resident of Mainpura Masjid, Gate No. 36, P.S. – Patliputra, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar

2.. Ravi Kumar, Son of Late Gangadhar Rai, Resident of Near Devi Sthan, Mainpura Masjid, P.S. – Patliputra, District – Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 23-05-2017

Heard learned counsel for the petitioner and the State.

The present application has been filed for quashing the order dated 03.05.2016 passed by learned Judicial Magistrate, Ist Class, Patna in Patliputra P.S. Case No. 174 of 2015, whereby process has been directed to be issued after cognizance being taken for the offences punishable under Sections 302 and 120B/34 of the Indian Penal Code.

The prosecution case is that on 13.06.2015 at 6.00 A.M. the informant found the beheaded dead body of his father in a hutment situated in agricultural field, upon which suspicion was raised against the others including the petitioner.



It is submitted by learned counsel for the petitioner that the petitioner is a practicing advocate and on suspicion the accusation has been levelled.

Keeping in view of the fact that on conclusion of the investigation final form (charge sheet) has been submitted against the petitioner and others and consequently processes have been directed to be issued after cognizance being taken vide order dated 03.05.2016 passed by learned Judicial Magistrate, 1st Class, Patna this Court is not inclined to interfere. Hence, this application is disposed of with liberty to the petitioner to raise all the contentions at the time of framing of charge, if the charge has not been framed as yet.

However, it is made clear that the learned court below will consider the contentions on behalf of the petitioner at the stage of discharge without being prejudiced by the order of this Court. Moreover, the present order will not amount to expression of any opinion with regard to merits of accusation against the petitioner.

(Dinesh Kumar Singh, J)

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