

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47173 of 2013

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Sanjay Kumar Son Of Ram Vishesh Prasad R/O Village-Rupauli, P.S.-
Tariyani, District-Sheohar

.... Petitioner.

Versus

1. The State Of Bihar
2. Rupesh Kumar Son Of Bindeshwar Baitha R/O Village-Rupauli, P.S.-
Tariyani, District-Sheohar

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Dinesh Jha, Advocate.
For the State : Mr. Ambika Bhagat(Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 24-05-2017 Heard the parties.

2. The petitioner has prayed for quashing the cognizance order dated 15.04.2013 passed in Sheohar SC/ST P.S. Case No.04 of 2013 registered under Sections 341, 323, 504, 506, 386/34 and 120(B) of the Indian Penal Code and Sections 3(I) (X) of the SC/ST (POA) Act, by the court of Chief Judicial Magistrate, Sheohar, on the ground that there was no material in the case diary to take cognizance of the offence under Sections 341, 323, 379, 504, 506, 380 and 120(B)/34 of the Indian Penal Code and Sections 3(I) (X) of the SC/ST (POA) Act against the petitioner but, in my view, the petitioner should raise the aforesaid point before the trial court at the appropriate stage.



3. Accordingly, this petition stands disposed of giving liberty to the petitioner to raise the above stated plea before the trial court at the appropriate stage and if the petitioner does so, the trial court shall pass appropriate order on the above stated plea of the petitioner.

(Hemant Kumar Srivastava, J)

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