

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21000 of 2014

Arising Out of PS.Case No. -153 Year- 2011 Thana -DUMRA District- SITAMARHI

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Rahul Kumar son of Pukar Rai Resident of village - Vishwanathpur, P.S.
Dumra, District - Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa
For the informant : Mr. Subodh Kumar, Adv.
For the State : Mr. Kr. Virendra Narayan (App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 13-09-2017 Heard learned counsel for the petitioner, State and the
counsel appearing on behalf of the informant.

Petitioner has filed this application for quashing the
order taking cognizance dated 15.09.2011 passed by the learned
CJM, Sitamarhi for the offence under section 366-A of the Indian
Penal Code.

Counsel for the petitioner submits that earlier final
form has been submitted finding the case to be a mistake of fact.
He also submits that without considering the said final form and
other material the cognizance has been wrongly taken against the
petitioner.

The learned court below on perusal of materials on



record, found a prima facie case under section 366(A) of the Indian Penal Code against the petitioner.

Having regard to the facts and circumstances, the application is disposed of with liberty to the petitioner to take all such plea as would be admissible under law at an appropriate stage.

(Anil Kumar Upadhyay, J)

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