

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21091 of 2014

Arising Out of PS.Case No. -85 Year- 2010 Thana -SAHEBPUR KAMAL District- BEGUSARAI

=====

Malhu Prasad Sah @ Mallu Prasad Sah S/o Chabndra Bhushan Prasad Sah
resident of village - Kurha, P.S. Sahebpurkamal, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi W/O Ram Udgar Prasad Yadav resident of village -
Ramchandrapur, Naya Tola, P.S. Sahebpurkamal, District - Begusarai

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Suresh Pd. Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 14-07-2017 Heard learned counsel for the petitioner and the State.

The petitioner has challenged the validity and illegality of the order dated 14.12.2013 passed in G.R. Case No. 1324/2010, Trial No. 4383/2014 arising out of Sahebpur Kamal P.S. Case No. 85/2010 whereby the learned ACJM, Begusarai took cognizance against the petitioner for the offences under Section 420, 406, 467 and 468 of the Indian Penal Code.

Considering the fact that the order taking cognizance was passed on 14.12.2013 approximately three years back, it would be appropriate if the petitioner files an exhaustive petition before the Court below for discharge in view of the submission on instruction from his client that after taking cognizance nothing has



happened in the instant case. If that is the position then it is just and proper that the court below should entertain the application for discharge if filed by the petitioner within a period of one month from today as the petitioner cannot be compelled to face the ordeal of the present case for infinitum.

If such application is filed on behalf of the petitioner within a period of one month from today, the court below will consider each and every submissions and the points raised in such application and pass a reasoned and speaking order and would also consider the totality of the fact and situation which according to the petitioner is a dispute pertaining to precisely civil in nature.

With the aforesaid observations, the petition stands disposed of.

(Anil Kumar Upadhyay, J)

S.Pandey/-

U		T	
---	--	---	--

