

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12410 of 2017

Arising Out of PS.Case No. -2 Year- 2015 Thana -MANSURCHAK District- BEGUSARAI

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1. Anil Kumar Jha @ Anil Jha Son of Ram Balak Jha, Resident of Village- Dih Tabhka, P.S.- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Uday Singh, Son of Sri Sitaram Singh, Resident of Village- Kamrain, P.S.- Bibhutipur, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Panchanand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 18-12-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This application has been filed for quashing the order dated 21.07.2016 passed by the learned Additional Chief Judicial Magistrate, 1st, Begusari in Mansurchak P. S. Case No. 2/2015 by which the learned Magistrate has taken cognizance against the petitioner after submission of chargesheet for the offences punishable under Sections 302/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The legible Xerox copy of the case diary was called for vide order dated 14.01.2017 which has been received.



Learned A.P.P. after looking into paragraphs- 5, 70, 80 and 132 of the case diary submits that the name of this petitioner had transpired in those paragraphs.

The Court below has after submission of charge sheet by the police taken cognizance against the petitioner for the offence under Section 302/34 of the Indian Penal Code.

The report from the court below has been received. It has been mentioned in the report that the case was fixed on 17.03.2017 for framing of charge but the petitioner did not appear on that date and N.B.W. was issued against him on 26.07.2017.

Therefore, this Court does not find any illegality in the impugned order passed by the learned Magistrate. Accordingly, this application is dismissed.

The Court below is directed to proceed in the trial in accordance with law.

(Sanjay Priya, J)

Sudha/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

