

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43037 of 2014**

Arising Out of PS.Case No. -141 Year- 2009 Thana -RAJIVNAGAR District- PATNA

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Om Prakash Singh S/o Bipin Bihari Singh Permanent R/o village- Arkpur, P.O.-  
Shive Pur Sakara, P.S.- Asaw, Dist.- Siwan At present Address Budh Bihar Colony,  
Part C, House no.-283, P.O.- Shivepuri, Khorobar, Dist.- Gorakhpur, Utter Pradesh  
.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Sushil Kumar, Advocate  
For the State : Mr. Binod Kumar No.2, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR**

**ORAL JUDGMENT**

**Date: 01-09-2017**

Heard learned counsel for the parties.

2. The petitioner seeks quashing of order dated 31.01.2014, passed by Judicial Magistrate, 1<sup>st</sup> Class, Patna in Rajiv Nagar P.S. Case No.141 of 2009, whereby the learned Magistrate has taken cognizance of the offence under Sections 304(B)/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that other accused persons were put on trial by the Sessions Court and they have been acquitted by judgment dated 15.02.2014.

4. However, the acquittal of other co-accused by giving benefit of doubt cannot be a ground for interference with the order of cognizance with respect to the petitioner as after filing of the present police case he absconded, the same reflected from the impugned



order; he is yet to face the trial moreover, it is not the case that petitioner is not named in the FIR or the allegations do not disclose any offence against him, so this application stands dismissed.

**(Arun Kumar, J.)**

S.Kumar/-

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| AFR/NAFR          | NAFR       |
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