

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5411 of 2015

Arising Out of PS.Case No. -173 Year- 2009 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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Damodar Prasad, S/O Late Indrashan Prasad, Resident of Vill.+P.S-
Jagdishpur, Distt.-West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar Singh, Son of Baccha Singh, Resident of Vill+P.S-
Jagdishpur, Distt.-West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the Opposite Party/s : Mr. A.M.P.Mehta (APP)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Upon hearing learned counsel for the parties, this Court is satisfied that the order dated 19.11.2014 passed by learned 4th Additional District and Sessions Judge, Bettiah, West Champaran in Session Trial No.749 of 2012 needs no interference.

Learned counsel for the petitioner attempted to raise an issue by submitting that earlier police had submitted final form, but the learned Magistrate differed with the same, took cognizance and issued process against this petitioner. It is, however, admitted by him that the said order by which cognizance



was taken and this petitioner was summoned had not been challenged.

If it is so, the said issue cannot be allowed to be agitated at this stage when the learned trial court, upon perusal of the materials available on the record, has found that there are allegations against this petitioner which are sufficient to satisfy the ingredients of the offences for which the charges have been framed.

The application has no merit. It is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

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