

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46450 of 2014

Arising Out of PS.Case No. -37 Year- 2007 Thana -BUXAR District- BUXAR

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Ram Ayodhya Upadhaya S/o Tribhuvan Upadhaya, R/o Chakrahassi,
P.S. - Buxar Mufssil, District - Buxar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. A. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 12-10-2017

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Petitioner is, in the present case, seeking quashing
of the order dated 26.08.2014 passed by Sri L.K. Mishra,
learned Judicial Magistrate, 1st Class, Buxar in G.R. No. 303 of
2007, arising out of Buxar (T) P.S. Case No. 37 of 2007.

Submission of learned counsel for the petitioner is
that the learned Magistrate has rejected the petition dated
08.07.2014 filed under Section 300 of Cr.P.C. on wholly
erroneous ground without looking into the facts and
circumstances of the case and without considering the fact
that after duly conducted trial the petitioner was



acquitted of the same charges in G.R. No. 363/1991 arising out of Buxar (T) P.S. Case No. 88 of 1991.

In course of argument, learned counsel for the petitioner could not satisfy this court that the First Information Report (Annexure-1) arises out of the same cause of action. This court is of the view that the F.I.R. is in respect of altogether a different cause of action and the learned Magistrate has not committed any illegality in rejecting the application of the petitioner.

This application is, therefore, rejected.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2017
Transmission Date	12.10.2017

