

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34813 of 2014

Arising Out of PS.Case No. -263 Year- 2010 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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Vijay Kumar S/o Nagina Prasad Resident of Village Balua Rampurwa,
Police Station Bairia, District West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sunil Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 02-08-2017 Heard learned counsel for the petitioner and the State.

The petitioner has challenged the order dated 5.8.2013 passed by Shri S.K. Rai, Judicial Magistrate 1st, in Trial No. 2696 of 2014 arising out of Bettiah Town P.S. Case No. 263 of 2010.

Mr. Mishra appearing on behalf of the petitioner submits that the petitioner is not named in the FIR and during course of investigation absolutely no materials was found against the petitioner and as such order taking cognizance in the instant case is absolutely abuse of process of law. The order under challenge is 05.08. 2013, we are in 2017, four years passed by now, there is no material on record to suggest about subsequent



development in the case. Submission that the petitioner's counsel is that absolutely there is no evidence against the petitioner and continuance of present case is an abuse of the process of law and it is fit case for quashing under section 482 of the Cr.P.C.

Considering the submission of the petitioner and the submission of the State counsel, the present application is disposed of with liberty to the petitioner to appear before the court below and make submission about absolutely no evidence, in case the court below on analyzing of material on record finds that there is absolutely no evidence the court below will pass appropriate order in accordance with law.

With the aforesaid observation, the application is disposed of.

(Anil Kumar Upadhyay, J)

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