

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25694 of 2014

Arising Out of PS.Case No. -218 Year- 2013 Thana -NAYA RAM NAGAR District-
MUNGER

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Sanjay Yadav S/o Rajendra Yadav resident of village- Khoja Bazar,
P.S.- Kasim Bazar, District- Munger

.... Petitioner

Versus

1. The State of Bihar
2. Bajrangi Yadav, son of Saryug Yadav, R/o – Khoja Bazar, P.S. –
Nayagaon, P.S. – Kasim Bazar, District – Munger.

.... Opposite Party

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Appearance :

For the Petitioner	:	Mr. Dhirendra Nath Jha, Advocate
For the O. P. No. 2	:	Mr. S.M. Sabbir Alam, Advocate
For the State	:	Mr. Anil Kr. Singh No.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 04-08-2017

Heard learned counsel for the petitioner,
learned counsel for the opposite party no. 2 and
learned Additional Public Prosecutor for the State.

The petitioner, in the present case, is
seeking quashing of the order dated 17.02.2014,
passed by learned Chief Judicial Magistrate, Munger in
Nayaram nagar P.S. Case No. 218/2013, whereby the
learned Magistrate has taken cognizance of the
offences under Sections 341, 323, 325 & 307 of the
Indian Penal Code against the petitioner and issued
summon for his appearance.

In the First Information Report, as



contained in Annexure- 1 to the present application, there are allegations of assault against the accused persons causing grievous injury on the head of the informant. Earlier, the brother of this petitioner had moved this court for quashing of the order taking cognizance against him in Cr. Misc. No. 25216/2014 which was dismissed by a coordinate Bench of this Court vide order dated 08.07.2014. So far as the present petitioner is concerned, the learned Magistrate has taken cognizance and issued summon against him after filing of supplementary charge-sheet.

Learned counsel for the petitioner submits that there is no evidence on record for taking cognizance of an offence under Section 307 I.P.C., still learned Magistrate has passed order taking cognizance under the said provision.

Be that as it may, this Court will not go into the merit of the allegations at this stage as the learned Judicial Magistrate has already found a prima facie case against the petitioner. So far as the grievance of the petitioner is concerned, the petitioner will have an opportunity to address the court at the time of framing of charge where the learned Court will consider the



materials available on record for purposes of framing of charge under a particular provision of the Indian Penal Code.

With the aforesaid observation, this application stands dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	

