

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40442 of 2014

Arising Out of PS.Case No. -34 Year- 2014 Thana -SC ST P.S. District- SIWAN

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1. Deva Nand Yadav Son of Sri Ram Naresh Yadav Resident of Village-Telkathu, P.S.M.H. Nagar, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. Fulmati Devi Wife of Late Samrat Ram Resident of Village-Gopalpur, P.S.-Hussainganj, District-Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahn
For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 01-09-2017 Heard learned counsel for the petitioner and State.

Petitioner has filed instant application for quashing of the order taking cognizance dated 05.06.2014 passed by the learned Chief Judicial Magistrate, Siwan in connection with Sadar (Siwan) SC/ST Case No. 34 of 2014 for the offence under Sections 341, 323, 447, 380, 504, 506/34 of the Indian Penal Code and Section 3 (1)(X) of SC/ST Act.

Counsel for the petitioner submits that at the time of alleged occurrence, the petitioner was not present at the place of occurrence and the allegation leveled against him is baseless and false. He further submits that no case is made out against him attracting the provisions of SC/ST (Prevention of Atrocities) Act.



He further submits that case is pending in the court below at the stage of framing of charge.

Under the aforesaid circumstances, in respect of matter pending in this court, the application is disposed of with liberty to petitioner to file appropriate petition before the court below, raising the issue of alibi and all other submissions which would be admissible and is available to the petitioner and if such petition is filed by the petitioner before the court below, it is expected that the court below will pass final order on such petition preferably within a period of three months from the date of filing of such petition and, in any event, before passing order on the issue of framing of charge.

With the aforesaid observation, the application stand disposed of.

(Anil Kumar Upadhyay, J)

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