

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30948 of 2014

Arising Out of PS.Case No. -19 Year- 2012 Thana -DALSINGHSARAI District- SAMASTIPUR

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Ganesh Sah S/o Late Basudeo Sah resident of village- Chaklokaman, Gudri Bazar,
P.O.- & P.S.- Dal Singh Sarai, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Shiv Narayan Sah S/o Lakhan Sah
3. Shankar Sah S/o Shiv Nrayan Sah both resident of village- Chaklokaman Gola Patti, P.S.- Dal Singh Sarai, District- Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi S. Kishore, Advocate
Mr. Abhay Krishna, Advocate

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-08-2017

The instant application has been filed for quashing the order dated 30.05.2013 passed in Cr. Revision No. 265 of 2013 by the Court of Sessions Judge, Samastipur. By the said order dated 30.05.2013, the learned Sessions Judge has set aside the order dated 22.03.2013 whereby cognizance of the offences have been taken under Section 379 IPC.

Counsel for the petitioner has placed the prosecution story as made out in the FIR dated 13.02.2012 leading to institution of Dalsingsarai P.S. Case No. 19 of 2012. From perusal of the same, it appears that no specific allegation has been made against any



person and merely an apprehension has been raised against five persons named there. *Prima facie* the allegations made in the FIR do not disclose the ingredients of the offences under Section 379 IPC. The Court of Sessions Judge, Samastipur has exercised its jurisdiction for taking cognizance after taking note of this fact and has also considered that on investigation the police had submitted final form in the matter and found the case to be not true. The cognizance has been taken on protest petition.

In view of the aforesaid facts and submissions there appears to be no basis in the FIR to set the criminal law in motion. Therefore, this Court is not persuaded to exercise its jurisdiction under Section 482 Cr.P.C to interfere with the order dated 30.05.2013 passed by the Court of Sessions Judge, Samastipur in Cr. Revision No. 265 of 2013. The instant petition is accordingly, dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
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