

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35795 of 2013

Arising Out of PS.Case No. -443 Year- 2011 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Sanjeev Kumar @ Chhotan, son of late Ram Uchit Prasad, resident of village-Kollua Paigambarpur, P.S.-Ahiyapur, District-Muzaffarpur, permanent resident of village-Ganeshpur Bhavangama, P.S.-Riga, District-Sitamarhi.

.... Petitioner/s

Versus

1. State of Bihar
2. Mithilesh Prasad, son of Ramagya Prasad, resident of village-Ganeshpur (Bhavangma), P.S.-Riga, District-Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha -Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Singh (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 13-01-2017

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor.

Learned counsel for the petitioner is fair in his submission that for the present, witnesses have already been examined in terms of Section 244 Cr.P.C. (before charge) and the matter is pending for charge. However, in the background of civil dispute, as per his own perception, challenged the order of cognizance dated 19.05.2012 passed in Complaint Case No.443 of 2011 by the learned Chief Judicial Magistrate, Sitamarhi (Mithilesh Prasad vs. Sanjiv Kumar @ Chhotan and others). Under the garb of aforesaid development, the learned lower Court will be fully competent to perceive whether there happens to be



proper evidence to satisfy the allegation attracting framing of charge or not in accordance with Section 245 Cr.P.C.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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