

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20299 of 2014

Arising Out of PS.Case No. -89 Year- 2013 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Krishnadeo Rai son of Late Ramadhin Rai resident of Mohalla - New Professor Colony, Dinkar Nagar, Ward no. 16, Police Station - Begusarai Town, District - Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Adv
Mr. Siya Ram Sahi, Adv.

For the Opposite Party/s : Mr. Ajay Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 26-07-2017 Having heard the parties and considering the submission advanced by Mr. Siya Ram Sahi, learned counsel appearing on behalf of the petitioner, the application is disposed of with liberty to the petitioner to file a petition for discharge before the court concerned, incorporating the submission and circumstances which rendered the order of taking cognizance and criminal proceeding as unsustainable under law, particularly, the submission that the allegation against the petitioner cannot form basis of initiating criminal proceeding in view of the fact that in the proceeding under section 133 of the Cr.P.C. competent court has already decided in his favour.

Be that as it may, if a petition is filed in case no. 29



of 2011 before the court concerned, it is obligatory on the part of the court where the matter is pending to address the issue raised by the petitioner particularly with reference to finding of the competent court under section 133 of the Cr.P.C. and pass a reasoned and speaking order within a period of two months from the date of filing of the petition.

With the aforesaid observation, the application is disposed of.

(Anil Kumar Upadhyay, J)

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