

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 2570 of 2015

Arising Out of PS.Case No. -292 Year- 2009 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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Bablu Sah @ Ved Prakash S/o Late Kanhaiya Sah Resident of Village
Raghunathpur, Police Station Turkaulia, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sanjay Kumar No 7, Advocate

For the S t a t e : Mr Jharkhandi Upadhyay, APP

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CORAM: HON'BLE MR JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 17-03-2017

Heard both sides.

2 The petitioner seeks quashing of the order dated 16.08.2014 passed by the Chief Judicial Magistrate, Bettiah, West Champaran in Bettiah Mufassil Police Station Case No 292 of 2009 by which the cognizance under Sections 364, 302, 201/34 of Indian Penal Code was taken against the petitioner.

3 The learned counsel for the petitioner submits that the petitioner is, of course, named in the first information report (for brevity, *FIR*) but, during the course of investigation, police found the case true against four persons and submitted final form in respect of the petitioner accepting his plea of alibi. The petitioner was not present at the place of occurrence on the date of occurrence. He was



hospitalized in Jamshedpur and the doctor has given certificate to this effect (Annexure 4).

4 I do not find any force in the argument of the learned counsel for the petitioner on the simple ground that the learned CJM has got jurisdiction to take cognizance differing with the findings of the Investigating Officer. It has been stated that there is ample material to show that the petitioner was also involved in kidnapping and murder of Sudama Sah. Informant has also named the petitioner in the FIR.

5 Considering the aforesaid facts, I do not find any merit in this application. It is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

M.E.H./-

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