

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42381 of 2014

Arising Out of PS.Case No. -2008 Year- 2013 Thana -BHAGALPUR

COMPLAINT CASE District- BHAGALPUR

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Chandan Kumar Sah, S/o Parmanand Sah, R/o Village -
Pakki Sarai, P.S. Ghogha (Kahalgaon), Distt. - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Shambhu Nath Srivastava, S/o Late Rama Nand Prasad,
R/o Village - Pakki Sarai, P.S. Ghogha (Kahalgaon), Distt. -
Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 27-02-2018 The petitioner has challenged the order dated
09.06.2014, passed by the learned Judicial Magistrate,
Bhagalpur in Complaint Case No. 2008 of 2013 arising out of
Kahalgaon (Rasulpur) P.S. Case No. 170 of 2012, whereby
cognizance has been taken against the petitioner under
Section 302 of the Indian Penal Code.

The petitioner is alleged to have insisted upon
the deceased to go with him and later the dead-body of the



deceased was found. The case against him was filed only on suspicion.

Learned counsel for the petitioner has submitted that in the First Information Report lodged by the father of the deceased, the police found the allegation to be false. The present order has been passed after the protest petition filed by the informant was treated as complaint.

Considering the nature of accusation against the petitioner and other materials available on the record, this Court is not inclined to interfere with the order of cognizance.

The petition is, therefore, dismissed.

The petitioner, if so advised, may avail of his remedies which are available to him under law at the later stage.

(Ashutosh Kumar, J)

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