

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42116 of 2014

Arising Out of PS.Case No. -166 Year- 2013 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Arun Yadav @ Arun Kumar Yadav Son of Babulal Prasad Yadav Resident
of Village - Laxmipur, P.S. Motihari, Mufassil, Dist.-Eat Champaran

.... Petitioner/s

Versus

1. State of Bihar
2. Lal Babu Singh Son of Yogendra Singh Resident of Village - Bharaulia,
P.S. Motihari Muffasil, Dist.-East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Sangita Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 30-01-2018 The petitioner has sought quashing of the order dated 04.12.2013 passed by the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Muffasil P.S. Case No. 166 of 2013 whereby cognizance has been taken under Sections 341, 323, 447, 384, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the police after investigation did not find the allegations to be correct and submitted final report false. The court below, differing with the police report, took cognizance against the petitioner without there being any material against him. A Bench of this Court while hearing the petition had called for the case diary. It



has been argued that the case diary does not indicate any material so as to justify the order taking cognizance.

However, this Court finds that this case has remained pending before this Court since 2014 and notice to the opposite party no. 2 also has also not been issued.

In order to avoid any further delay in the matter, this Court deems it appropriate to direct the petitioner to prefer a petition for discharge before the court below and in the event that such a petition is filed, the court below shall pass a reasoned order after going through the entire materials and would not be prejudiced by the fact that the present petition has not been entertained by this Court.

This petition is disposed off with the aforesaid observation.

(Ashutosh Kumar, J)

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