

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49470 of 2014

Arising Out of PS.Case No. -172 Year- 2013 Thana -ROSERA District- SAMASTIPUR

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1. Ajay Kumar Giri, son of Ram Kumar Giri, resident of village- Jurawanpur,
P.S.- Bidhupur, Distt.- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Birendra Kumar Giri, son of Sri Kapileshwar Giri, resident of village -
Mahadeo Math, Ward No. 1, P.S. - Rosera, Distt. - Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 29-01-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 11.04.2014 passed by the Sub-Divisional Judicial Magistrate, Rosera, in Rosera P.S. Case No.172 of 2013 by which the learned Magistrate has taken cognizance against the petitioner and others for the offence under Section(s) 364, 366-A, 120-B Indian Penal Code.

The Court below by the impugned order took cognizance against the petitioner along with others for the offence under Section(s) 364, 366-A, 120-B Indian Penal Code on the basis of the charge-sheet submitted by the police.

Counsel for the petitioner has submitted that there is no material in the case diary against the petitioner. Mere suspicion has been raised against this petitioner in the First Information Report.



This Court after looking into the First Information Report finds that the petitioner is named in the First Information Report. It further appears that the police after investigation has submitted charge-sheet on the basis of which the Court below has taken cognizance against the petitioner and others.

Notice was issued to the Opposite Party No.2. Opposite Party No.2 has appeared by filing Vakalatnama, but none appeared on behalf of the Opposite Party No.2 on repeated calls.

The learned Magistrate after looking into the materials available in the case diary has passed the impugned order.

Therefore, this Court does not find any merit in this application.

The application is, accordingly, dismissed.

The petitioner is given liberty to raise all the points, as raised in the present application, at the time of framing of Charge, which shall be considered and disposed off by the learned Court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03-02-2018
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