

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2103 of 2016

Arising Out of PS.Case No. -666 Year- 2012 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

=====

Nawal Kumar Singh @ Nawal Kumar, son of Dinesh Prasad Singh, R/o Mohalla-
Nasrathkhani, P.S.- Lalmatiya (Nath Nagar), District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 13-09-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 21.06.2014 passed by the Chief Judicial Magistrate, Bhagalpur, in Kotwali (Vishwvidaylay) Bhagalpur P.S. Case No.666 of 2012 by which the learned Magistrate has taken cognizance against the petitioner and others for the offence under Section(s) 25(1-b), 26, 35 of the Arms Act.

Heard counsel for the parties.

Counsel for the petitioner submits that there is no recovery of fire arm from his possession. His name has come in the written report on the basis of confessional statement of co-accused, who was arrested by the police.

Learned APP has submitted that charge-sheet has already been submitted against this petitioner. The Court below after



looking into the materials against the petitioner has taken cognizance.

This Court after looking into the written report finds that two persons were arrested and fire arms were recovered from their possession. They disclosed the name of this petitioner also along with other accused persons.

Petitioner is named in the written report. The police after investigation has submitted charge-sheet against the petitioner and others. The Court below after looking into allegation in the written report as well as materials in the case diary has taken cognizance against the petitioner along with other accused persons.

Therefore, at this stage, this Court is not inclined to interfere with the impugned order passed by the learned Court below.

This 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	15-09-2018
Transmission Date	15-09-2018

