

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.845 of 2016

Arising Out of PS. Case No.-76 Year-2011 Thana- DAWATH District- Rohtas

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Kanhaiya Singh Son of late Angrahit Singh@Gahit Singh Resident of Village-
Parasia Kala, P.s Dawath,District Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nand Jee Ram son of late Ganesh Ram Resident of Village -Naadi ,P.s
Agiaon Bazar, District Bhojpur, the then block Agricultural Officer Dawath,
District Rohtas at Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Dr. Rabindra Kumar APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-09-2018 This petition under Section 482 Cr.P.C. has been filed

for quashing the order dated 31.7.2014 passed by the J.M. 1st

Class-cum Additional Munsif- IV, Bikramganj (Rohtas) in

Dawath P.S. case no. 76 of 2011 by which learned Magistrate

has taken cognizance for the offence under Sections 406 , 420,

409 and 120B of the IPC and Section 7 of the Essential

Commodities Act against the petitioner and another; as also the

order dated 4.12.2015 passed by 4th Additional District and

Sessions Judge, Rohtas at Sasaram by which he has affirmed

the order dated 31.7.2014.

Heard learned counsel for the petitioner and State.

Perused the impugned order dated 31.7.2014 passed



by the learned Magistrate and the order dated 4.12.2015 passed by learned Additional District and Sessions Judge-IV in Cr. Rev. no. 393 of 2014. The revisional court has affirmed the order taking cognizance dated 31.7.2014. The revisional court has mentioned in the order dated 4.12.15 that there was sufficient material in the case diary against this petitioner and thereafter cognizance has been taken. The Court below is only required to see *prima facie* case at the time of taking cognizance. Therefore, this Court does not find any illegality in impugned orders passed by the Court below.

This Cr. Misc. petition is, accordingly, dismissed.

The petitioner is given liberty to raise all the points, as raised in the present application, at the appropriate stage including 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)

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