

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37433 of 2015

Arising Out of PS. Case No.-126 Year-2015 Thana- RAJPUR District- Buxar

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1. Arvind Singh Son of Ram Ashish Singh, Resident of village & P.S.- Rajpur, District Buxar
 2. Angad Singh, son of Sukhad Singh, Resident of village- Hakarpur, P.S.- Rajpur, District- Buxar
 3. Rajeshwar Singh son of Ram Bilash Singh Resident of Village- Uttampur, P.S.- Rajpur, Dist- Buxar
 4. Awadhesh Singh son of Gupteshwar Singh Resident of village- Hethua, P.S. Rajpur, Distt- Buxar
 5. Arvind Singh son of Durga Singh Resident of village- Sagraw, P.S.- Rajpur, District- Buxar
 6. Dharmendra Singh @ Dharmendra Kumar son of Late Bhagwan Singh Village + P.O.- Devdiya, P.S.- Rajpur, Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uday Pratap Singh, Dist. Manager B.S.F.C. (Bihar State Food Corporation Buxar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh
For the Opposite Party/s : Mr. Awdhesh Kumar Singh (App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 02-07-2018 Heard learned counsel for the petitioner and learned counsel for the BSFC.

This petition has been filed under Section 482 Cr. P.C. for quashing the F.I.R of Rajpur P.S. case no. 126 of 2015.

A report was called from the Court below which has been received. Learned court below has mentioned in the report that charge sheet has already been submitted and cognizance has also been taken against the petitioners by order dated 20.11.2017. Thereafter after taking of the cognizance a



supplementary affidavit has been filed with a submission to make amendment in the prayer portion challenging the order of cognizance dated 20.11.2017. The learned court below has mentioned in the impugned order dated 20.11.2017 that there are sufficient materials in the case diary against the petitioners and charge sheet. The Court below has on the basis of these materials taken cognizance against the petitioners. The learned Magistrate is only required to see *prima facie* case at the time of cognizance. Therefore, this Court is not inclined to interfere with the impugned order.

This application is accordingly disposed off with direction to petitioners to raise all the points as raised in this petition at the appropriate stage during framing of charge or during course of trial which shall be considered by the court below in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

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