

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41413 of 2016

Arising Out of PS.Case No. -45 Year- 2015 Thana -KATIHAR MUFFASIL District- KATIHAR

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Birbal Mahaldar, son of Radha Mahaldar, resident of Village- Bind Tola, Police Station- Muffasil, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate.

For the Opposite Party/s : Mr. Sadanand Paswan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 05-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 04.04.2016 passed by learned Judicial Magistrate, 1st Class, Katihar, in G.R. Case No. 1030 of 2015 arising out of Katihar (Muffasil) P.S. Case No. 45 of 2015 by which the learned Magistrate took cognizance against the petitioner for the offences under Sections 302, 201/34 of the Indian Penal Code and Sections 3 (2) (v) of SC/ST Act.

2. Heard learned counsel for the petitioner and State.

3. From the impugned order it appears that police after investigation has submitted charge sheet against the petitioner finding the case true and thereafter, learned Magistrate has taken cognizance against the petitioner on the basis of charge sheet



submitted by the police.

4. Counsel for the petitioner submits that witnesses have not supported the allegation against petitioner.

5. The court below is only required to see *prima facie* case at the time of taking cognizance.

6. Therefore, this Court is not inclined to interfere with the impugned order.

7. This Criminal Miscellaneous application is accordingly dismissed.

8. Petitioner is given liberty to raise all the points as raised in this petition at the time of framing of charge which shall be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09/2018
Transmission Date	09/2018

