

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55803 of 2016

Arising Out of PS. Case No.-802 Year-2015 Thana- KHAGARIA District- Khagaria

Umesh Singh, Son of Narayan Singh, resident of village- Khargi Tirasi, P.S.-
Gangour, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT
Date : 17-09-2018

This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 27.09.2016 passed by the C.J.M., Khagaria in Khagaria (Gangour) P.S. case no. 802 of 2015 by which learned Magistrate has taken cognizance against the petitioner for the offence under Section 302/34 of the IPC and Section 27 Arms Act.

Heard learned counsel for the petitioner and State.

In the written report, there is specific allegation against the petitioner of making firing on the deceased.

The learned court below has mentioned in the impugned order that police after investigation submitted charge-sheet against the petitioner. Learned Magistrate after



looking into the materials available in the case diary and allegation in the written report has taken cognizance for the offence under Section 302/34 of the IPC and Section 27 Arms Act.

The Court below is only required to seen *prima facie* case at the time of taking cognizance. Therefore, this Court does not find any illegality in the impugned order passed by the learned Court below.

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

The Court below will proceed in the case in accordance with law.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.09.2018
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