

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12828 of 2015

Arising Out of PS. Case No.-544 Year-2014 Thana- MOTIHARI TOWN District- East
Champaran

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Hari Singh son of Late Sahdeo Singh, resident of village at Chhota
Bariyarpur, P.S.- Chhatauni, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Anil Kumarapp

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-05-2019 Heard counsel for the petitioner and counsel for the

State.

It is submitted by petitioner's counsel that cognizance
which has been taken in the instant case is on the basis of
deposition of two witnesses under section 164 of the Cr.P.C.
Final form thereafter has been submitted on 17.11.2014. The
court below, treating the objection filed by the informant, took
cognizance against the petitioner for the offence under sections
302, 307, 326, 120B/34 of the Indian Penal Code and 27 of the
Arms Act.

It is submitted by petitioner's counsel that even
though there is no evidence in the entire investigation, court
below has taken cognizance and revisional court has also



rejected the application filed by the petitioner against the order taking cognizance.

Submissions made on behalf of the petitioner are based on fact which require consideration by the court below. There is no ground for interference either order of taking cognizance or order passed by the revisional court dated 19.02.2015 passed in Cr. Revision no.245/2014.

Such submissions based on fact are not to be gone into by this court exercising power under section 482 Cr.P.C. It will be open to the petitioner to avail other remedy in accordance with law.

This application is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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