

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7105 of 2015

Arising Out of PS. Case No.-11 Year-2013 Thana- PIRO District- Bhojpur

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Dadan Singh S/o Saryu Singh @ Sarjug Singh R/o village - Pachma, P.S. Piro
Hasan Bazar , District – Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pramila Devi W/o Late Chandeshwar Singh R/o village - Pachma, P.S.- Piro
(Hasan Bazar), District – Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra with
Mr. Ahmad Faheen Khan, Advocates

For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 15-04-2019

Prayer is made on behalf of learned counsel for the petitioner for adjournment.

2. The Court does not find the prayer to be justified since the case was filed on 18.02.2015 and has been taken up for the first time after four years and still learned counsel for the petitioner is not ready to assist the Court. No justifiable ground has been brought to the notice of the Court for seeking time.

3. The petitioner has moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:

“That this application is being filed for quashing the order taking cognizance dated 7.1.2014 arising out of



Piro (Hasan Bazar) P.S.- Case No. 11/2013 and also the entire proceeding which is vitiated in law which is passed by learned Chief Judicial Magistrate, Bhojpur, Ara. The cognizance has been taken U/S 302/120(B) of IPC and 27 of the Arms Act.”

4. The allegation against the petitioner and others is that he had fired upon the husband of the informant and co-accused had fired on the chest.

5. The police, after investigation, submitted chargeheet and the Court has taken cognizance against the petitioner and others.

6. Nothing has been brought on record to indicate that the matter needs interference by this Court at the present stage, as before the Court below, based on the chargeheet submitted by the police, the Court having found sufficient material to proceed, by order dated 07.01.2014 has taken cognizance, which cannot be said to be infirm, either in law or on facts.

7. In view thereof, the application stands disposed off.

8. It shall be open to the petitioner to raise all points available to him, before the Court below itself, at the appropriate stage. If the same is done, the Court below shall consider all points raised on behalf of the petitioner and pass appropriate orders, in accordance with law, without being prejudiced by the present order.



9. Learned APP for the State is present.

(Ahsanuddin Amanullah, J)

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