

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14983 of 2015

Arising Out of PS. Case No.-126 Year-2012 Thana- BIBHUTIPUR District- Samastipur

Umeshwar Das, Son of Late Munilal Das Resident of Dharampur, Near
Railway Gumati, Ward No. 11, Samastipur Municipality Samastipur Police
Station District - Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan, Advocate

For the Opposite Party/s : Mr. M.Rab, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-05-2019 Heard Mr. Choudhary Shyam Nandan, learned

advocate for the petitioner and the State.

The petitioner has challenged the order dated
04.09.2013 passed by the learned Additional Chief
Judicial Magistrate, Rosera in connection with Bibhutipur
P.S. Case No. 126 of 2012 whereby cognizance has
been taken against the petitioner under Sections 302,
120B and 34 of the Indian Penal Code.

Learned counsel for the petitioner has
submitted that the petitioner was neither named in the
FIR nor was sent up for trial after investigation.



However, the learned Additional Chief Judicial Magistrate, Rosera, differing with the police report has taken cognizance against the petitioner. No cogent reason has been assigned by the learned Additional Chief Judicial Magistrate, Rosera for differing with the police report in taking cognizance against the petitioner.

Mr. Choudhary Shyam Nandan, learned advocate for the petitioner has informed this Court that few days ago, the case has been committed to the court of Sessions for trial.

The petitioner, if so advised, may file a petition for discharge before the court below raising all the grounds which have been urged in the present petition. Should such an application be filed, the court below shall look into all the aspects of the matter and shall pass reasoned order in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

With the aforesaid direction/observation, the



petition is disposed of.

(Ashutosh Kumar, J)

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