

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13705 of 2015

Arising Out of PS. Case No.-135 Year-2013 Thana- SAHAR District- Bhojpur

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Rang Bahadur Singh @ Rangu Singh son of Late Ram Nath Singh, resident of village- Sewtha, P.S.- Sahar, District- Bhojpur, Ara

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rama Kant Ram son of Sukan Ram, Resident of village- Nadhi, Post- Baghi, Police Station- Sahar, District- Bhojpur, Ara

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan, Advocate
For the Opposite Party/s : Mr. Ambika Bhagat, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-05-2019 Heard learned advocate for the petitioner and the State.

The petitioner has challenged the order dated 10.02.2014 passed by the learned Chief Judicial Magistrate, Bhojpur, Arrah in Sahar P.S. Case No. 135 of 2013, Tr. No. 3892/14 whereby cognizance has been taken under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(1)(X) of the SC & ST (Prevention of Atrocities) Act, 1989.

The major ground of challenge by the petitioner is that the petitioner was not named in the F.I.R. In fact, his name finds mention as father of two of the accused



persons, who are alleged to have abused and misbehaved with the informant.

The police, after investigation, submitted charge-sheet against two of the sons of the petitioner. However, the learned Court below, while accepting the police report, took cognizance against the petitioner as well.

It has been submitted on behalf of the petitioner that there is an oversight on the part of the Chief Judicial Magistrate specially in view of the fact that the petitioner was neither named in the F.I.R nor was charge-sheeted and his conduct was never investigated by the police. Merely because his name figured as father of two of the accused persons, cognizance has been taken against him as well.

The difficulty with this Court is that the order was passed in the year 2014 and the learned counsel for the petitioner has not been able to inform this Court about the stage of the case viz. whether the case has



travelled beyond the stage of cognizance.

In such view of the matter, without interfering with the order of cognizance at this stage, the petitioner is permitted to file a petition for discharge before the competent Court within a period of four weeks from today, if such a petition has not already been filed and disposed off, who, on receipt of the same shall dispose it off keeping in mind the aforesaid grounds which have been urged in the present petition by passing a reasoned order within a reasonable period of time.

If the trial of the case has begun, this Court would, in that event, direct the Trial Court to conclude the proceeding as early as possible without any delay.

With the aforesaid observation, the petition is disposed off.

Shageer/-

(Ashutosh Kumar, J)

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