

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.11196 of 2015**

Arising Out of PS. Case No.-231 Year-2014 Thana- KAHALGAON District- Bhagalpur

Vishnu Sah @ Vishnu Kumar Sah, son of Ram Janam Sah, resident of Village  
- Nawada, P.O.+P.S.-Kahalgaon (Antichak), District - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajiv Ranjan Singh, Advocate

For the Opposite Party/s : Mr. T.P.Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
ORAL ORDER

2      07-05-2019                      Heard Mr. Rajiv Ranjan Singh, learned advocate

for the petitioner and learned APP for the State.

The petitioner has challenged the order dated 15.01.2015 passed by the learned Sessions Judge, Bhagalpur in Criminal Revision No. 249 of 2014, arising out of Kahalgaon P.S. Case No. 231 of 2014 whereby the Court below has refused to interfere with the order of cognizance taken under Section 387 of the Indian Penal Code.

From the records, it appears that Kahalgaon P.S. Case No. 231 of 2014 was instituted against the consumer of mobile telephone No. 9576083615.



During the course of investigation of the aforesaid case, it came to light that the petitioner was involved in the occurrence. The charge-sheet in the case was submitted against the petitioner whereupon cognizance was taken under Section 387 of the Indian Penal Code on 07.10.2014. The challenge to the aforesaid order of cognizance in revision failed miserably.

The learned advocate for the petitioner is not in a position to intimate this Court about the stage of the case.

In any view of the matter, at this stage, this Court would not like to interfere with the order of cognizance as also the revisional order whereby the order of cognizance was upheld and sustained.

However, if the trial in this case has not begun, the petitioner may avail of his remedy which is available to him under law. If the case is under trial, the Trial Court is directed to expedite the same.



With the aforesaid observation/direction, the  
petition stands disposed off.

Shageer/-

**(Ashutosh Kumar, J)**

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