

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6351 of 2015**

Arising Out of PS. Case No.-11 Year-2004 Thana- AGIAON District- Bhojpur

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Basant Kumar Mishra S/o Chandra Bilash Mishra, resident of village- Barap,
P.S. Garahani Agiaon, District- Bhojpur Ara

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ram Gopalan Tiwari S/O Suryadeo Tiwari, Resident of village- Bagwan,
P.S. Garahani Agiaon, District- Bhojpur (Ara).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

2 01-04-2019 Heard learned counsel for the petitioner and learend

A.P.P. for the State.

2. The petitioner has moved the Court under Section

482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“That, this is an application for
quashing the order taking cognizance dated
11.3.2014 passed in Tr. No. 5402/2014 (related to
complaint case no. 73 (C) /2004 Agiaon
(Garahani) P.S. Case No. 11/04) passed by
learned Chief Judicial Magistrate, Bhojpur (Ara)
by which learned Magistrate took the cognizance
for the offence under Sections 406, 420, 467, 469
of the Indian Penal Code against the petitioner
without appreciating the facts and circumstances
of the case.”*

3. After some arguments, learned counsel for the



petitioner submitted that the matter be disposed off with liberty to the petitioner to raise all points available to him at the appropriate stage.

4. Learned A.P.P. does not oppose.

5. In view thereof, as prayed for by learned counsel for the petitioner, the matter stands disposed off with liberty aforesaid.

6. It goes without saying that if the petitioner files any application before the Court below at the appropriate stage, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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