

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16834 of 2015

Arising Out of PS. Case No.-201 Year-2013 Thana- KAHALGAON District- Bhagalpur

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1. Niraj Srivastav, son of Hari Kishore Prasad Srivastav
2. Hari Kishore Prasad Srivastav, son of Late Rasbihari Prasad Srivastav
Both resident of Village-Agarapara, P.O.-Kharota, District-Uttar 24 Pargana
(Kolkata-38), West Bengal

... .. Petitioner/s

Versus

1. The State of Bihar
2. Akhilesh Kumar Verma, son of Rajendra Prasad Verma, resident of
Vikramsila Nagar, P.S.-Kahalgaon, District-Bhagalpur
3. Sunil Kumar Mishra, son of Late Girja Nandan Mishra, resident of
Pakartalla, P.S.-Kahalgaon, District-Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None
For the Opposite Party/s : Mr. G.S. Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-05-2019 Nobody appears on behalf of the petitioners.

However, learned advocate for the State is present.

The petitioners have challenged the order dated

31.01.2014 passed by the learned Chief Judicial
Magistrate, Bhagalpur in Trial No. 3931 of 2014, arising
out of Kahalgaon P.S. Case No. 201 of 2013 whereby
cognizance has been taken under Sections 420, 406, 34
of the Indian Penal Code.

In the absence of the learned counsel for the
petitioners, this Court is not at all aware about the stage



of the case.

In any view of the matter, after going through the order impugned and the materials brought forth on record, this Court is not inclined to interfere with the order of cognizance.

However, if the petitioners have not already preferred a petition for discharge, they may do so before the Court below, in which event, the Court below shall look into the entire set of facts and pass a reasoned order in accordance with law without being prejudiced by the fact that the present petition has not been entertained. In the event of the trial having been proceeded, this Court can only direct the Trial Court to conclude the trial as early as possible.

The petition is dismissed with the aforesaid observation.

(Ashutosh Kumar, J)

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