

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16474 of 2015

Arising Out of PS. Case No.-5 Year-2012 Thana- MANIHARI District- Katihar

Binod Kumar Sinha, son of Late Kailash Prasad, resident of Mohalla - Sipahi
Tola, Ward No. 5, Police Station – K. Hat, District – Purnea. ... Petitioner/s
Versus

1. The State of Bihar
2. Mahesh Prasad Singh, son of Late Keshav Prasad Singh, resident of Village
- Gyanwari, Tapua, Police Station - Pirpanti, District - Bhagalpur.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mrs. Dr.Indiwar Kumari, App

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 15-05-2019 Heard learned counsel for the petitioner and the State.

2. The petitioner has challenged the order dated
25.01.2014 passed in Manihari P.S. case no. 05 of 2012 whereby
the Chief Judicial Magistrate, Katihar took cognizance for the
offence under Section 406 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
earlier the petitioner approached this Court in Cr. Misc. No.
14769 of 2012 for quashing of the F.I.R. and on 31.07.2012 the
Court passed detailed order, which is quoted herein below:

“The Petitioner seeks quashing of the First
Information Report of Manihari P.S. case No.5 of 2012
dated 4.1.2012 institution for the offence u/s 406 I.P.C.

It has been submitted that even though there is an
allegation in the First Information Report that the relevant
documents had been got disappeared, but fact of the
matter is that the applicant had received those documents,
which is evident from Annexure-4, which is the
movement register.



Considering that the case is at the stage of investigation, I am not inclined to interfere in the matter.

The application is disposed off with a liberty to the Petitioner to approach the Investigating Officer and place all these facts before him, who is directed to expedite the investigation and conclude it preferably within three months from the date of receipt of this order.”

4. Learned counsel submits that the investigation was not done in the manner indicated in the order dated 31.07.2012. Learned counsel admitted that after investigation the police has submitted charge-sheet and thereafter the learned Chief Judicial Magistrate, Katihar took cognizance vide order dated 25.01.2014.

5. We are in 2019. More than five years have passed since the order taking cognizance.

6. Under the aforesaid time gap, the Court is not inclined to grant any indulgence in the matter. However, liberty shall be available to the petitioner to file petition for discharge at appropriate stage, if the trial is inconclusive.

7. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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