

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7330 of 2016

Arising Out of PS. Case No.-248 Year-2010 Thana- GAYA KOTWALI District- Gaya

Niraj Kumar son of Late Binod Prasad, Resident of Mohalla- Murarpur, Kali
Asthan, Police Station- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Dharendra Pratap Singh

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 14-11-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks quashing of the order dated
17.05.2014 passed by the learned Chief Judicial Magistrate,
Gaya in connection with Kotwali P. S. Case No. 248 of 2010,
whereby cognizance has been taken for the offences under
Sections 419 and 420 of the Indian Penal Code.

It appears from the records of this case as also
from the order passed by another Bench of this Court that
the case is pending appearance as one of the accused
persons namely, Deepak Kumar has been absconding for a
long time. The Court on coming to know of the aforesaid



fact, directed the court below to take appropriate steps for compelling his presence. A report also was called for regarding the stage of the case, which report has been sent and which indicates that the case has not progressed beyond the stage of cognizance as one of the accused persons has not appeared in this case.

In any view of the matter, since the order is of the year 2014, I am not inclined to entertain the present application, but with the caveat that in case the petitioner, if so advised, prefers a petition for discharge before the court below, the same shall be looked into and a reasoned order shall be passed without being prejudiced with the fact that the present petition has not been entertained by this Court.

The petition stands disposed off with the aforesaid observation.

(Ashutosh Kumar, J)

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