

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10232 of 2015

Arising Out of PS. Case No.-71 Year-2012 Thana- SAHIYARA District- Sitamarhi

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Vidyapati Jha Son of Late Tarakant Jha, Resident of village- Talkhapur, P.S.-
Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ratan Kumar Yadav, the them S.H.O. Sahiyara P.S., Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa
For the Opposite Party/s : Mr.Kr. Virendra Narayan, App

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-05-2019 Heard learned counsel for the parties.

2. The petitioner seeks quashing of an order dated 25.11.2014, whereby the learned Judicial Magistrate, First Class, Sitamarhi has taken cognizance of the offence punishable under Sections 420,467,468,471,120B,216A read with Section 34 of the Indian Penal Code in Trial No. 3843 of 2014 (G.R. No. 2000/12 arising out of Sahiyara P.S. Case No. 71 of 2012).

3. In my view, the materials do not warrant exercise of this Court's power under Section 482 of the Code of the Criminal Procedure, 1973, for quashing of the order taking cognizance.

4. Learned counsel appearing on behalf of the



petitioner has drawn my attention to Annexures-3 series and 4 series to this application to submit that the implication of the petitioner in a criminal case is unjustified. For the purpose of exercising power under Section 482 of the Cr.P.C, this Court cannot go into the documents, which the petitioner has brought on record in his defence. The petitioner shall have the liberty at the stage of framing of charge.

5. This application is, accordingly, dismissed but with the observation that the petitioner shall be at liberty to raise all the points which he has raised in the present application before the Court below at the appropriate stage.

(Chakradhari Sharan Singh, J)

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