

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8696 of 2015**

Arising Out of PS. Case No.-33 Year-2014 Thana- KADAMKUAN District- Patna

Rupak Kumar Sinha, Son of late Sheo Shankar Prasad Sinha, Resident of Mohalla - Katchi Talab, Gardanibagh, Patna, At present residing at A-33/5, Near Shiv Mandir Mashudpur, Basant Kunj, P.S. Basant Kunj, New Delhi.

... .. Petitioner

Versus

1. The State Of Bihar
2. Rajesh Verma, Son of Sri Sidheshwar Prasad Verma, Resident of H-111, Road No. 2, Rajendra Nagar, Kadam Kuan, Patna.

... .. Opposite Parties

**Appearance :**

|                      |   |                                                              |
|----------------------|---|--------------------------------------------------------------|
| For the Petitioner   | : | Mr. S.N.P. Sinha, Sr. Advocate<br>Mrs. Mira Kumari, Advocate |
| For the State        | : | Mr. Jitendra Kr. Singh, APP                                  |
| For Opp. Party No. 2 | : | Mr. Dharmendra Kumar, Advocate                               |

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL JUDGMENT**

**Date : 15-05-2019**

Heard learned senior counsel for the petitioner, learned APP for the State as well as learned counsel for the opposite party no. 2.

2. The present application has been filed for quashing the order dated 16.07.2014 passed by learned Chief Judicial Magistrate, Patna in Kadam Kuan P.S. Case N. 33 of 2014 (GR No. 618 of 2014) by which the learned Magistrate has taken cognizance of offences under Sections 448, 341, 323, 504 and 506/34 of the Indian Penal Code and directed issuance of process against the petitioner.

3. It is submitted on behalf of the petitioner that even on perusal of the accusations in the FIR, no offence is made out against the petitioner and the learned Magistrate without applying his judicial mind



took cognizance against the petitioner. It is therefore submitted that continuance of the present proceeding would be an abuse of process of the Court.

4. Considering the stage of the case and also that a prima facie case has been found against the petitioner having regard to the accusations in the FIR and the materials available on record, this Court is not inclined to interfere with the impugned order at this stage. The petitioner will be at liberty to raise all points appropriately at the time of framing of charges.

5. The application accordingly stands dismissed.

**(Vikash Jain, J)**

BT/-

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