

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11217 of 2015

Arising Out of PS. Case No.-152 Year-2009 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Subhash Chandra Prasad, son of Sri Keshav Prasad, resident of Village -
Salaiya, P.S. - Aurangabad, At present Officer-in-charge, Parash Bigha,
District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Khalil, son of Late Md. Samad, resident of Mohalla-Darjee Bigha
(Maimanipur) P.S. - Madanpur, Distt. - Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 07-05-2019 Heard Mr. Dhaneshwar Prasad Gupta, learned

advocate for the petitioner and learned APP for the

State.

The petitioner seeks quashing of the order
dated 04.09.2014 passed by the learned Judicial
Magistrate, 1st Class, Aurangabad in Complaint Case No.
152 of 2009 whereby cognizance has been taken under
Sections 406/34 of the Indian Penal Code.

This Court is not inclined at this stage to
interfere with the order of cognizance. However, if the



trial has not yet begun and the case is still at the stage of framing of the charge, necessary application, if so advised, may be filed and pressed by the petitioner.

Should such a petition be filed, it is needless to state, that the same shall be disposed off in accordance with law by a reasoned order.

With the aforesaid observation/direction, the petition is disposed off.

(Ashutosh Kumar, J)

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