

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43437 of 2019**

Arising Out of PS. Case No.-262 Year-2017 Thana- GUTHANI District- Siwan

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DHIRENDRA KUMAR YADAV Son of Sheo Mangal Yadav Resident of  
Village - Malchaur, P.S.- Guthani, Distt - Siwan.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Awadhesh Mishra Son of Late Shivdhyan Mishra Resident of Village -  
Bishwar, P.S.- Guthani, Distt - Siwan.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate  
For the Opposite Party/s : Mr. Rabindra Kumar

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      20-08-2019                      The petitioner seeks quashing of the order dated 06.09.2018 passed by the learned Chief Judicial Magistrate, Siwan in connection with Guthani P.S. Case No. 262 of 2017 whereby he has taken cognizance against the petitioner under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code as also against the order dated 12.03.2019 passed by the learned Sessions Judge, Siwan in Cr. Rev. No. 242 of 2018 whereby the challenge to the order of cognizance has been rejected.

The sole contention on behalf of the petitioner



is that the petitioner had not been sent up for trial but only because his name has been taken by the informant and two other witnesses, the learned Magistrate has differed with the police paper and has taken cognizance against the petitioner as well. The petitioner is also alleged to have assaulted the informant of the case, though the accusation against him is general and omnibus. Nonetheless, no specific reason appears to have been indicated by the investigating agency in its report for not sending up the petitioner for trial.

Considering the entirety of circumstances, the learned Magistrate has taken cognizance against all the accused persons, which order has been upheld and sustained in revision by the learned Sessions Judge.

This Court finds no ground to interfere with both the orders. The petition is dismissed.

However, the petitioner, if so advised, approaches the court below for discharge, such application shall be considered by the court in its correct



perspective without being prejudiced by the fact that the  
present petition has not been entertained.

**(Ashutosh Kumar, J)**

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