

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 240 of 2018

Arising Out of Case No.-148 Year-2017 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Mithlesh Prasad, Son of Late Rajkishore Yadav, Resident of Village- Dekuli,
P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Umakant Pandey, aged about 35 years, Son of Late Sudama Pandey, Resident of Village- Tahhi (Basawan), P.S.- Kudra, District- Kaimur (Bihar).
3. Sanjay Kumar (New Amin), aged about 25 years, Son of not known. At present Amin District Land Acquisition Officer, collectorate, Jehanabad.
4. Sidhnath Sarma, aged about 30 years, Son of not known, Resident of Village- Hati, P.S.- Kako, District- Jehanabad (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Upendra Prasad II, Advocate
For the State	:	Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 21-10-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has moved the Court under Sections 397 and 401 of the Code of Criminal Procedure, 1973, against the order dated 08.12.2017 passed by the Judicial Magistrate, 1st Class, Jehanabad in Complaint Case No. 148 of 2017, by which cognizance has been taken only against the opposite parties no. 3 and 4 and not against the opposite party no. 2.



3. Learned counsel for the petitioner submitted that he has made allegations against all the three accused but cognizance has not been taken against the opposite party no. 2, due to which he has moved the Court.

4. Learned APP submitted that on the basis of materials which has come on record before the Court, rightly cognizance has been taken only against the opposite parties no. 3 and 4 and further that if any material comes against any other person during trial, the said person could always be summoned.

5. Having regard to the aforesaid, the Court does not find any error in the order impugned.

6. Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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