

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78880 of 2019

Arising Out of PS. Case No.-250 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Sudhir Kumar @ Sudhir Kumar Sinha, Son of Gopal Prasad, Resident of
Village, Post and P.S. - Telhara, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjit Kumar, Son of Sri Naresh Singh, Resident of Mohalla - Gur Ki
Mandi, Main Road, P.O.- Gulzarbagh, P.S.- Alamganj, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Balmeeki Pandey Bhasker, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-12-2019 This application has been filed for quashing of the

order taking cognizance dated 02.06.2015 passed by the learned
A.C.J.M., Patna City in Complaint Case No. 250 of 2015,
whereby the process has been issued after finding the case true
against the petitioner under Sections 323, 379 and 420 of IPC.

The ground for quashing is that in the statement on
solemn affirmation, the name of the petitioner was not
mentioned by the complainant and he was unnecessary dragged
in this case at the instance of other accused persons, but the
same has not been considered by the learned court below while
taking cognizance.

On the other hand, learned APP has opposed the



prayer for quashing of order taking cognizance on the ground that after finding a *prima facie* case against the petitioner, process has been issued against him and this is not the stage to look into the contradiction in the evidence or defence of the accused persons.

Having heard both sides and perused the complaint case and the other materials, it appears that petitioner is named in complaint petition and after finding the case true against the petitioner, process has been issued against him and so far the submission of the petitioner that at the instance of other accused, he has been made accused in this case, is not the stage to consider the same.

In view of the above, I find no merit in this application, as such, this application stands dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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