

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86282 of 2019

Arising Out of PS. Case No.-276 Year-2016 Thana- PUPRI District- Sitamarhi

MD. AKRAM Son of Late Ataur Rahman Resident of Village - Jhajhihat,
P.S.- Pupri, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashraf @ Pappu Son of Late Ataur Rahman Resident of Village - Jhajhihat,
P.S.- Pupri, Distt.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shamimul Hoda
For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-01-2020 This application has been filed for quashing the order dated 02.09.2018/04.09.2018 passed by the learned Sub Divisional Judicial Magistrate Pupri in Pupri P.S. Case No. 276 of 2016, by which, cognizance of the offence under Sections 323, 504 and 506 of the Indian Penal Code has been taken.

Prosecution case in short is that a written report was filed by the complainant – opposite party no. 2 stating that he received a phone call from the petitioner on 16.11.2016 threatening him not to depose in kidnapping case otherwise, he has to face the consequences. Further allegations is that on the same day at 8.00 P.M. other accused persons entered inside his house abused him and threatened him for dire consequences, if he does not withdraw the case.



Police after investigation submitted chargesheet under Sections 323, 504 and 506 of the Indian Penal Code. Thereafter, cognizance of the offence was taken by learned Sub Divisional Judicial Magistrate, Pupri, Sitamarhi.

Submission of learned counsel for the petitioner is that petitioner is residing in abroad and he was no present, which will appear from the written report itself but without proper investigation, chargesheet has been submitted against him.

Heard learned A.P.P. also.

Having heard both sides and from perusal of the F.I.R., it appears that there are prima facie case against the petitioner.

In such view of the matter, I am not inclined to interfere with the order taking cognizance against the petitioner. However, petitioner will be at liberty raise his points at an appropriate stage, which will be considered by the learned Trial Court on the basis of materials available on record.

(Vinod Kumar Sinha, J)

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