

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.8124 of 2021

In

CRIMINAL MISCELLANEOUS No.51965 of 2015

Arising Out of PS. Case No.-22 Year-2015 Thana- SIKARPUR District- West Champaran

RAHUL KUMAR, S/o Dr. Ranjeet Kumar Resident of Village- Karihon, Post
Office- Bishnupura Behia, P.S.- Mahua, Distt- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Maharaj

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 01-02-2021 Heard Mr. Shrawan Kumar Singh, learned
senior Advocate for the petitioner and Mr. Md. Aslam
Ansari, learned APP for the State.

The present petition has been filed for
modification of the order dated 04.09.2020 passed in
Cr. Misc. No. 51965 of 2015.

Cr. Misc. No. 51965 of 2015 was listed on



04.09.2020. The application was for quashing of F.I.R. of Shikarpur P. S. Case No. 22 of 2015, dated 11.01.2015, which was instituted for the offences under Section 294, 354(D), 509 and 34 of the Indian Penal Code and Sections 67 and 67(A) of the Information Technology Act, 2000.

This Court, on taking note of the fact that the case was lodged in the year 2015, came to the view that investigation in that case must have been completed.

Since the application was for quashing of the F.I.R., this Court directed that if at all the investigation is still incomplete, the same ought to be completed within a period of three months.

Mr. Shrawan Kumar, learned senior Advocate has pointed out that on the day when this petition was disposed off, I. A. No. 01 of 2019 was already on record, intimating that the police, after investigation, has submitted charge-sheet and the learned Chief Judicial Magistrate had taken cognizance in the case in a



mechanical manner *vide* his order dated 27.04.2016, without any reference to the material in the investigation. A prayer therefore was made in the aforesaid Interlocutory Application for permitting the petitioner to challenge the order of cognizance as well.

Though this Court on the insistence of the learned senior Advocate has gone through the charge-sheet and is not inclined to interfere in the matter, but it would only be appropriate that no further discussion is made with respect to the merits of the case in appreciating the order of cognizance.

The petitioner will have ample opportunity to challenge the order of cognizance, if he so desires.

No good ground has been made out for modifying the order passed by this Court on 04.09.2020.

The prayer for modification is rejected.

However, the petitioner under the circumstances would be at liberty to avail of his



remedies under the law for challenging the order of cognizance, if the stage of the case has not already progressed.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

