

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.13311 of 2021**

Arising Out of PS. Case No.-49 Year-2019 Thana- RAJAON District- Banka

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1. ASHWINI KUMAR MANDAL SON OF LATE TEK NARAYAN MANDAL Resident of Village - Rajoun, P.S.- Rajoun, Distt.- Banka.
  2. RESHMI KUMARI WIFE OF LATE SAURAV SANTOSH Resident of Village - Rajoun, P.S.- Rajoun, Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH  
ORAL ORDER**

2      21-04-2022                      Heard the parties.

This application has been filed on behalf of the petitioners under Section 482 of the Code of Criminal Procedure, 1973 for quashing of order dated 08.11.2019 passed by learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 49 of 2019.

Prosecution story in brief is that informant is the S.H.O., posted at Rajoun P.S. instituted FIR dated 23.01.2019 on his self statement relating to death of one Saurabh Santosh on the basis of news published in daily newspaper. The family members of the deceased informed the police officer that death has happened due to electric shock. Considering the same to be



unsatisfactory, the petitioner along with his daughter-in-law has been made accused in the present case.

Sri Ajay Mukherjee, learned counsel appearing on behalf of the petitioners submits that there is manifest error in order taking cognizance dated 08.11.2019 and, as such, the order is fit to be quashed however, no reason has been assigned by him neither any pleading made in the application. This Court cannot gather as to what legal infirmities have been committed by the Court below.

Sri Ajit Kumar, learned A.P.P. for the State submits that this Court cannot reappraise the evidences nor it can go into the nature of allegation made against the two petitioners. However, taking into consideration the very fact that the son of the petitioner no.1 and husband of the petitioner no.2 prima facie appears to have died out of electrocution and the said fact is also appears to have been found by the informant.

Considering the aforesaid fact, this Court restrain from discussing as to whether any case is made out from bare perusal of the FIR or not rather the Court below has taken cognizance on the basis of material which has been collected during the investigation. Learned counsel for the petitioner has not been able to show either from the pleading made in the



present application that any manifest error has been committed by the Court below in taking cognizance. It is trite law no meticulous examination of facts is required to be done at this stage and what Section 204 of the code ordains is that if in the opinion of a magistrate for taking cognizance of an offence there is sufficient ground for proceeding, he shall issue summons for the attendance of the accused and aforesaid section no where requires magistrate to record reasons for summoning.

For the aforesaid reasons, I am of the view that the appellant has failed to make out any case for quashing of the impugned order.

With the aforesaid observation, the present applications is disposed of.

**(Purnendu Singh, J)**

Niraj/-

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