

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33334 of 2021

Arising Out of PS. Case No.-353 Year-2019 Thana- MINAPUR District- Muzaffarpur

Manoj Kumar @ Manoj Prasad, S/o Ramprit Prasad Resident of Village -
Kharhar, P.S.- Minapur, District - Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Pappu Prasad S/O - Krishna Deo Prasad Resident of Village - Kharhar, P.S.-
Minapur, District - Muzaffarpur.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar, Advocate
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, APP
For the Informant	:	Mr. Nachiketa Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking quashing of
the order dated 04.12.2019 passed by learned C.J.M.
Muzaffarpur in connection with Minapur P.S. Case No. 353 of
2019 (Trial No. 2413/19) by which learned C.J.M. has taken
cognizance for the offences under Sections 341, 326, 307, 302,
120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

Learned counsel for the petitioner has submitted two
grounds for quashing of the First Information Report. First
ground is that the name of the petitioner was added
subsequently in the F.I.R. and, secondly that there is only



allegation that when the petitioner had been arrested in connection with a liquor case he had issued threat of dire consequences against the deceased.

Mr. Nachiketa Jha, learned counsel has entered appearance on behalf of the informant-Opposite Party No. 2. He has opposed this application. It is submitted that in this case after finding sufficient materials to proceed against the petitioner police has submitted a charge-sheet whereupon the learned court below has taken cognizance and issued summons to the petitioner. It is submitted that the petitioner is named in the F.I.R. and strong motive has been alleged against him.

Having regard to the materials placed before this Court and the submissions as has been taken note of hereinabove, this Court finds no illegality in the order taking cognizance and issuance of summons against the petitioner.

This application is, thus, dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

