

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11129 of 2021**

Arising Out of PS. Case No.-61 Year-2014 Thana- PALASI District- Araria

UDAYANAND PANDIT SON OF GHUTRAU PANDIT Resident Of Village
- Harlaha ,Garahwa, P. S. - Palasi ,District - Araria (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 18-04-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The present petition has been filed for quashing the order dated 25.01.2020, passed by the Additional Chief Judicial Magistrate-VI, Araria in connection with Palasi PS case no. 61 of 2014 registered under Sections 376, 306 of the Indian Penal Code, whereby and whereunder cognizance has been taken against the petitioner.

The learned counsel for the petitioner has submitted that although the police had found the petitioner to be innocent, the learned court below has differed and has taken cognizance against the petitioner for the offence punishable under Sections 376 & 306 of the Indian Penal Code.

At this juncture, this Court has put a query to the



learned counsel for the petitioner as to whether he would prefer availing the remedies provided under the Code of Criminal Procedure by approaching the learned court below, he submits that he is not averse to the same, however, the petitioner be granted liberty to raise all the issues raised in the present petition.

Accordingly, the present petition stands disposed off as not pressed, however with liberty to the petitioner to raise all the issues raised in the present petition before the learned court below by taking recourse to such remedies as are available under the Cr.P.C.

(Mohit Kumar Shah, J)

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