

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4268 of 2023

Arising Out of PS. Case No.-367 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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LAL BIHARI YADAV SON OF RAJGIR YADAV R/O VILL.- RANIPUR,
P.S.- SADAR, DISTT.- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Umeshanand Pandit

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 12-09-2023 This application under Section 482 of the Code of Criminal Procedure has been preferred by the petitioner for quashing the order dated 04.05.2020, passed by the learned Chief Judicial Magistrate, Darbhanga, by which the learned Magistrate has taken cognizance of the offence under Sections 386/34 of the Indian Penal Code and Sections 25(1-B)26 and 35 of the Arms Act against the petitioner and others.

2. The learned counsel for the petitioner has submitted that the name of the petitioner has figured in the confessional statement of co-accused Dharmendra Kumar, who was arrested while extorting money from the vehicle. He disclosed to the police that it is the petitioner, on whose order he and co-accused, who fled away from the place of occurrence, were



engaged in realization of money from the vehicle. One loaded pistol, two live cartridges and one magazine were recovered from co-accused Dharmendra Kumar, in whose statement the name of the petitioner has figured. The learned trial court, by the impugned order, has taken cognizance of the offence against the petitioner, including the co-accused who was arrested at the spot.

3. The petitioner is named in the FIR and it is a settled principle of law that even strong suspicion is enough for taking cognizance of the offence.

4. I do not find any reason to interfere with the order of the learned court below.

5. The application is accordingly dismissed.

(Nawneet Kumar Pandey, J)

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