

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2644 of 2023

Arising Out of PS. Case No.-13 Year-2020 Thana- SHEOHAR District- Sheohar

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MUKESH KUMAR @ MUKESH KUMAR SINGH S/O HARENDRA SINGH, Resident of Village- Harnahi East Tola, P.S. and District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHASHI BHUSHAN KUMAR S/O LATE BINDESHWARI SINGH
Resident of Village- Harnahi East Tola, P.S. and District- Sheohar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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

ORAL ORDER

2 11-09-2023 This application has been filed for quashing the order dated 03.11.2022 passed in Sheohar P.S. Case No. 13 of 2020, G.R. No. 2020 by the learned Chief Judicial Magistrate, Sheohar, whereby the cognizance was taken against the petitioner under Sections 302, 120B of the Indian Penal Code and 27 of the Arms Act.

2. The learned counsel for the petitioner has submitted that the petitioner is an accused in a case under Sections 302 and 120B of the Indian Penal Code and 27 of the Arms Act. After investigation, the investigating authorities submitted final form against him and he was not sent up for trial, as he has taken the plea of *alibi*. The learned Magistrate was not convinced with his



alibi and only on the basis of suspicion, he has taken cognizance.

3. Impugned order shows itself that the Magistrate was of opinion that there was adequate material against the petitioner for framing of the charges, even strong suspicion is enough for taking cognizance.

4. I do not find any substance in the present petition, which is accordingly dismissed.

5. The petitioner, if so advised, may raise his points at the time of framing of the charges.

(Nawneet Kumar Pandey, J)

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