

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9376 of 2023

Arising Out of PS. Case No.-11 Year-2015 Thana- NIMCHAKBATHANI District- Gaya

Arun Yadav Son Of Satendra Yadav R/O Vill.- Bahorma Dih Par, P.S.-
Nimchak Bathani, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi Wife Of Ajay Yadav R/O Vill.- Bahorma Dih Par, P.S.- Nimchak
Bathani, Distt.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-04-2023 Heard the parties.

This application has been filed for quashing the order dated 06.11.2020 passed by learned A.C.J.M. Xth Gaya by which cognizance has taken under Section 457, 380, 376, 511, 354, 504, 506, 509 of the IPC against the petitioner in Nimchak Bathani P.S. Case No. 11/2015.

learned counsel for the petitioner submits that by order dated 06.11.2020, the cognizance has taken against the petitioner without any application of mind as learned Magistrate has written in the order that chargesheet was submitted against the petitioner whereas final form was submitted finding the case to be false.



In these circumstances, this application is allowed and the order taking cognizance 06.11.2020 passed by learned A.C.J.M. 10th Gaya in Nimchak Bathani P.S. Case No. 11 of 2015 is hereby set aside.

The Court below is directed to pass a fresh order considering the final form in accordance with law after application of mind and giving reasons.

(Sandeep Kumar, J)

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