

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19120 of 2019**

Arising Out of PS. Case No.-471 Year-2017 Thana- GOGRI District- Khagaria

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DEEPAK KUMAR @ DEEPAK PATEL S/o Anil Patel R/o Village- Chak
Gogari, P.S.-Gogari, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Pramod Poddar S/o Suresh Poddar R/o Gogri, PS Gogri, District-Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 22-08-2023 Heard learned counsel for petitioner and learned
Additional Public Prosecutor.

2. None has appeared for opposite party no. 2 despite
valid service of notice.

3. This application is filed for quashing the order
dated 03.02.2018 passed in Gogari P.S. Case No. 471/2017,
G.R. No. 3196/2017 by the Chief Judicial Magistrate, Khagaria
whereby and where under Court below took cognizance against
petitioner for offence under section 341, 323, 354 of the Indian
Penal Code.

4. As per the prosecution story, the petitioner is said to
have molested the informant's daughter while she was returning
home from her school.



5. The police has exonerated the petitioner finding the case to be false. The Magistrate has differed with the final form and has taken cognizance without mentioning the grounds for taking cognizance.

6. The Magistrate has mentioned the initial paragraphs but has not considered the subsequent materials which have come during investigation.

7. The impugned order is a cryptic and non reasoned order and no order in the eye of law and the same is also in teeth of the law laid down by the Supreme Court in the case of ***Pepsi Foods ltd. And Another Vs. Special Judicial Magistrate and Ors. (1998) 5 SCC 749.***

8. In view of the above, this application is allowed. Accordingly, the order dated 03.02.2018 passed in Gogari P.S. Case No. 471/2017, G.R. No. 3196/2017 by the Chief Judicial Magistrate, Khagaria is hereby quashed.

(Sandeep Kumar, J)

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