

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21136 of 2023

Arising Out of PS. Case No.-76 Year-2018 Thana- NAGAR District- Vaishali

KRISHNA KUMAR SINGH SON OF LATE RAJENDRA NAYARAN
SINGH RESIDENT OF MOHALLA KESHRINAGAR, P.S. - PATLIPUTRA,
DISTT. - PATNA

... .. Petitioner

Versus

1. The State of Bihar
2. SUSHIL CHAUDHARY SON OF CHANARAMA CHAUDHARY
RESIDENT OF VILLAGE - MOJAKKA, P.S. - BIKRAM, DISTT. -
PATNA

... .. Opposite Parties

Appearance :

For the Petitioner : Mr.Durga Nand Jha, Advocate
For the Opposite Parties : Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 16-10-2023 The petitioner has put to challenge an order taking cognizance dated 26.06.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Hajipur, in Hajipur P.S. Case No. 76/2018, whereby the court below has taken cognizance of the offences punishable under Sections 341, 323, 504, 420 read with 34 of the IPC and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. This application has been filed nearly four years after the order taking cognizance was passed in 2019.

3. Learned counsel appearing on behalf of the petitioner has submitted that there has been delay of four



months in filing of complaint petition, which is outrightly false. He submits that the entire allegation, as made in the complaint petition, that the complainant was his driver and he was assaulted by the petitioner, is completely false. Learned counsel for the petitioner has, however, not been able to justify the reasons for delay of four years in approaching this Court by making this application after cognizance was taken in 2019. Secondly, the order taking cognizance does not suffer from any legal infirmity as the assertion in the complaint case do make out commission of an offence.

4. This application is accordingly dismissed.

5. It goes without saying that the petitioner shall be at liberty to take the grounds, which have been taken in the present proceeding, before the court below at the stage of framing of charge.

(Chakradhari Sharan Singh, J)

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