

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21902 of 2023

Arising Out of PS. Case No.-160 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

RAMAN RAM @ RAMAN BAITHA @ RAM KUMAR BAITHA S/o-
LATE MAHANGU BAITHA RESIDENT OF VILLAGE TIWARIDIH P.S.
SASARAM MOFASSIL DISTRICT ROHTAS

... .. Petitioner

Versus

1. The State of Bihar
2. Ramanand Gaud @ Ramchandra Gaud son of Late Jadu Gaud Village-
Tiwaridih Ps- Sasaram mofassil Dist- Rohtas

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Md. Murad Ashraf, Advocate
For the Opposite Party : Mr. Abhay Kumar, APP

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

ORAL ORDER

2 17-10-2023 By an order dated 08.07.2021 passed in connection with Sasaram (M) P.S. Case No. 160 of 2021 (G.R. No.82 of 2021), learned C.J.M., Rohtas, has taken cognizance of the offence punishable under Section 436 of the IPC and has summoned the petitioner. The said order is under challenge in the present application filed under Section 482 of the CrPC.

2. Learned counsel appearing on behalf of the petitioner, assailing the impugned order, has submitted that the informant is not an eyewitness to the occurrence. Further, no statement of the informant has been recorded under Section 161 of the CrPC. He has further submitted that the seizure list has not been prepared.



3. The submissions, which have been advanced to assail the impugned order taking cognizance, are not at all tenable. A court, while taking cognizance has to take into account as to whether sufficient material are available on record or not for proceeding in the matter. The submissions, which have been advanced on behalf of the petitioner, as noted, could be raised at appropriate stage before the court below.

4. I am not inclined to interfere in this matter in a proceeding under Section 482 of the CrPC. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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