

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42104 of 2015

Arising Out of PS. Case No.-3 Year-2015 Thana- PUSA District- Samastipur

Prabhat Das @ Prabhat Kumar Das S/o Lakshman Das Resident of Village
Malikaur, P.S. Pusa, District Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.J.Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-02-2023 No one appears on call.

The present petition has been preferred for quashing of the order dated 06.05.2015 passed by the learned Judicial Magistrate, 1st Class, Samastipur in connection with Pusa P.S. Case No. 03 of 2015 whereby the learned Court below took cognizance for the offences under Sections 341, 323, 307 and 302 of the Indian Penal Code against the petitioner.

As per the prosecution story, the informant alleged that while he was in '*bathan*', the accused persons armed variously came there and on the order of Urmila Devi, the accused persons assaulted them with '*lathi*', '*iron rod*' and when the father of the informant came to his rescue, he too was assaulted.

As per the averment, the name of the petitioner is not



appearing but only to take revenge, in the second statement, his name was dragged in. However, ignoring the report of the police, the cognizance was taken.

This Court has gone through the order of cognizance and the learned Court was '*prima facie*' satisfied that case is made out against him and accordingly took cognizance in the matter. As such, there is no error in the order.

However as no one has appeared on behalf of the petitioner, the petition is dismissed for non-prosecution with liberty to raise all the points before the Trial Court at an appropriate stage.

(Rajiv Roy, J)

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