

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49377 of 2015

Arising Out of PS. Case No.-292 Year-2015 Thana- HILSA District- Nalanda

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Ramchandra Ram @ Ramchandra Ravidas son of Late Ganauri Ravidas
resident of Mohalla Bihari Road Hilsa, P.S. Hilsa, District Nalanda.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sarswati Devi wife of Late Bilas Das @ Bilka Das resident of Mohalla
Bihari Road, P.S. Hilsa, District Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lovekush Kumar
For the Opposite Party/s : Mr.U.S.P.Singh APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-07-2023

1. Heard the parties.

2. This application has been filed for quashing the
order dated 02.07.2015 passed by the learned A.C.J.M. Hilsa in
Hilsa P.S. Case No. 292/2015, G.R. No. 1127/2015 by which the
Court below has taken cognizance for the offences punishable
under Sections 147, 149, 323, 379, 504 of the I.P.C.

3. As per the prosecution case, the allegation
against the petitioner is that on 26.05.2015 when the informant



was getting boundary wall erected on the land in question then the petitioner along with 15 unknown persons armed with deadly weapon came there and started assaulted the informant and they took away two *Bhar* and Cash of Rs. 3200/- also.

4. Notice is validly served.

5. Though O.P. No. 2 has received notice but she has not appeared till date.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent, he has not committed any offence and he has falsely been implicated in this case due to land dispute.

7. Learned APP for the State has vehemently opposed the prayer of the petitioner.

8. By the impugned order, it appears that the cognizance has been taken on a printed format.

9. In view of the law laid down by this Court in case of *Nokia Siemens Network India Private Limited vs. The State of Bihar passed in Cr. Misc. No. 34891 of 2013*, this application is allowed.

10. The cognizance order dated 02.07.2015 passed by the learned A.C.J.M. Hilsa in Hilsa P.S. Case No. 292/2015, G.R. No. 1127/2015 is hereby quashed.



11. This application stands allowed.

(Sandeep Kumar, J)

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