

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11619 of 2016**

Arising Out of PS. Case No.-334 Year-2013 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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HARVIR GAUTAM @ HARIVIR GAUTAM Son of Ranvir Sinha, Resident of House No. A/10 Mohalla Peoples Cooperative Colony, Police Station- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. State of Bihar
2. Brij Bihari Rai, son of Late Sheojee Rai of Village- Piprahi, P.S.- Sursand, District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mr.Kumar Virendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-09-2023 1. The present petition has been filed seeking the following relief:-

“1. That, this is an application for quashing the order dated 19.09.2014 passed by Learned Sessions Judge, Sitamarhi in Cri. Revision No.66/14 whereby and whereunder the learned court below has refused to interfere with the order of cognizance passed by the learned S.D.J.M. Pupri dated 3.2.14 at Sitamarhi in a Complaint Case preferred by O.P .No. 2 bearing Complaint Case No.334/2013 in which after holding an enquiry the



learned Magistrate prima-facie has found that an offence u/s 352 and 504 I.P.C. is made out against the accused persons and accordingly this petitioner alongwith another has been summoned to face trial.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file discharge petition before the learned Trial Court at the time of framing of charges, also raising the issue of cognizance having been taken by the Ld. Trial Court without obtaining sanction for prosecution qua the petitioner. Liberty, so sought, is granted.

3. The petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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