

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38854 of 2022

Arising Out of PS. Case No.-154 Year-2016 Thana- BARHARA District- Bhojpur

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MUKESH KUMAR SINGH Son of Late Nawal Kishore Singh Resident of
Mohalla- Maulabag, Patel Nagar, P.s.- Ara Nawada, District- Bhojpur, Pin
Code- 802301

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey
For the Opposite Party/s : Mr.Ajay Mishra

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner.

This application has been filed on behalf of the
petitioner for quashing the cognizance order dated 20.01.2022
passed by Chief Judicial Magistrate in Barhara Police Station
Case No. 154 of 2016.

It has been submitted by the learned counsel for the
petitioner that after cognizance applications were filed in
support of the defence of the petitioner by the petitioner.

These applications can only be pressed by the
petitioner at the stage of framing of charge and there is no stage
in between the stage of cognizance and the stage of framing of
charge in which the defence of the petitioner can be considered.



In view of the above, this application is disposed of with a liberty to the petitioner to raise all the grounds at the stage of framing of charge and if such an application is filed then the Court below shall consider the same in view of the law laid down by the Hon'ble Supreme Court in the case of ***Kanchan Kumar Vs. State of Bihar 2022 9 SCC 577*** and pass a reasoned order in accordance with law.

(Sandeep Kumar, J)

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