

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15109 of 2018

Arising Out of PS. Case No.-161 Year-2016 Thana- BAHERI District- Darbhanga

Ravindra Kumar @ Rabindra Kumar Son of Sri Rajendra Rajak, posted and working as Junior Electrial Engineer, Baheri, P.S.- Baheri, D Permanent resident of Village- Barahiya, P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Phulo Devi, Wife of Late Ram Nath Yadav, Resident of Village- Turki, P.S.- Baheri, District- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Manish Kumar No 13, Advocate Mr. Rohit Kumar, Advocate
For the Opposite Parties	:	Mr. Sri Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 28-02-2023 Heard learned counsel for the petitioner and learned APP for the State.

This application has been filed for quashing of the order dated 31.08.2017 passed by learned A.C.J.M- IX, Darbhanga, in connection with Baheri P.S. Case No. 161 of 2016 by which cognizance has been taken against the petitioner for the offences under Sections 304, 34 of the Indian Penal Code.

By the impugned order dated 31.08.2017, the court below has differed with the Final Form which was submitted by the police exonerating the petitioner. The materials have not been discussed by the learned A.C.J.M- IX, Darbhanga, relying



on which the cognizance has been taken against the petitioner. It appears that the petitioner has drawn the attention to the learned Magistrate to some relevant paragraphs but the learned Magistrate over looked the same. He should have discussed the materials available on record on which he has taken cognizance against the petitioner. Accordingly, this application is allowed, so far as, the petitioner is concerned and the matter is remitted back to the learned A.C.J.M- IX, Darbhanga, for passing a fresh order in accordance with law after discussing the materials available on record and thereafter, learned Magistrate will take cognizance or accept the Final Form.

So far as, the other accused persons are concerned, this Court has not interfered with the cognizance order.

(Sandeep Kumar, J)

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