

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53542 of 2022

Arising Out of PS. Case No.-859 Year-2014 Thana- BIHTA District- Patna

Ashish Halder @ Ashish Kumar Halder Son of Late Niranjana Halder Resident of Flat No. 301, Lotus Apartment, Block - A, New Patliputra Colony, P.S.- Patliputra, Patna- 800013.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Chaubey, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-08-2023

Heard learned counsel for the parties.

This application has been filed for quashing of the order dated 13.01.2019/15.01.2019, passed by learned Judicial Magistrate-I, Danapur, Patna, in connection with Bihta P.S. Case No. 859 of 2014, by which, learned Magistrate has taken cognizance against the petitioner under Sections 364, 397, 323, 325, 120(B) of the Indian Penal Code.

As per the prosecution case, the informant received information that 18 persons arrived at his home in five vehicles and had forcibly taken his uncle, Rajiv Ranjan @ Raju Singh on a vehicle despite there being objection from the villagers. One of the vehicles was intercepted by the villagers and set on fire. The informant upon receiving such information, arrived at the



village. His family members informed him that Anant Singh, Bantu Singh along with 16 other persons committed the occurrence. The informant alleged that the said Anant Singh had previously demanded Rs. 10 Crores from his uncle as ransom due to which Srikrishnapuri P.S. Case No. 301 of 2014 was filed by the informant's uncle.

After investigation, Final Form was submitted exonerating the petitioner. The learned Magistrate has differed with the Final Form and has taken cognizance against the petitioner. While taking cognizance against the petitioner, the learned Magistrate has examined the statement under Section 164 of the Cr.P.C. and other materials available on record.

Learned counsel for the petitioner is trying to take benefit of some words used by the learned Magistrate to show that he has relied upon the earlier order of cognizance. This argument of the petitioner's counsel doesn't find favour with this Court as I have gone through the entire order and from the entire order it appears that there is enough application of mind on the materials available on record and the learned Magistrate has found a prima facie case against the petitioner.

At the stage of cognizance, the Court takes cognizance if it finds prima facie materials available on record.



In view of the above, I am not inclined to interfere
in this case.

Accordingly, this application is dismissed.

Learned counsel has all the rights under the Cr.P.C.
for filing a discharge application, and for this, he doesn't require
any observation of this Court. If such an application is filed after
examining the materials, the Court below will pass a reasoned
order.

(Sandeep Kumar, J)

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