

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1246 of 2023

Arising Out of PS. Case No.-342 Year-2019 Thana- GHOSI District- Jehanabad

MAHESH RAM @ MAHESH PRASAD Son of Late Rameshwar Das @
Rameshwar Ram R/v- Modanganj, P.S.- Ghoshi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. This application has been filed for quashing of order dated 31.01.2022 passed by learned Addl. District & Sessions Judge-I, Jehanabad in connection with Ghoshi (Okari O.P.) P.S. Case No.342 of 2019 in Cr. Revision No. 05 of 2021/01 of 2021 by which learned Magistrate has taken cognizance against the petitioner for the offences under Sections 354(B), 376, 323 of the Indian Penal Code.

3. Mr. Ramakant Sharma, learned Senior counsel for the petitioner has vehemently argued that during investigation, the victim has not supported the case and therefore, the cognizance order passed by learned Magistrate may be quashed.

4. At the stage of cognizance, this Court has only to



examine as to whether *prima facie* case has been made out against the petitioner.

5. The opinion of this Court is that no interference is required in the cognizance order passed by learned Magistrate and accordingly, this application is dismissed. The petitioner is given liberty to raise all the grounds at the stage of framing of charge. If such an application is filed by the petitioner, the same shall be disposed of in accordance with law.

(Sandeep Kumar, J)

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