

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11306 of 2022

Arising Out of PS. Case No.-22 Year-2017 Thana- KARPI District- Jehanabad

Surendra Manjhi S/o Maheshwar Manjhi R/o Village- Guljar Bigha, P.O.-
Khajuri, P.S.- Karpi, District- Arwal, Bihar- 804419.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This application has been filed for quashing the order dated 13.01.2020 passed by learned C.J.M., Arwal in Karpi P.S. Case No. 22 of 2017 (G.R. No. 107 of 2017), whereby learned Magistrate has taken cognizance under Section 307 of the I.P.C. and Sections 25(1-b)a, 26, 27 of the Arms Act.

3. Learned counsel for the petitioner submits that at the time of occurrence, petitioner was not present at the place of occurrence and was arrested from the house. He further submits that prior to the alleged occurrence, the petitioner had filed an application in the *Janta Darbar* of Hon'ble Chief Minister against informant of the present case and therefore, he has been falsely implicated in this case. On these grounds, he submits that order of cognizance is bad and fit to be quashed.



4. It is settled law that at the time of cognizance, learned Magistrate is required to apply his judicial mind only with a view to take cognizance of the offence. At the stage of taking cognizance, learned Magistrate is not required to consider the defence version or materials or arguments nor he is required to evaluate the merit on materials or evidence of the informant.

5. In the present case, the petitioner has taken the plea of *alibi*, which cannot be seen at this stage. The defence of the petitioner shall be considered by the learned Court below at appropriate stage.

6. The present petition is devoid of merit and is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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