

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25825 of 2023

Arising Out of PS. Case No.-205 Year-2017 Thana- AANDAR District- Siwan

1. Shivendra Tiwari @ Shivendra Kumar Tiwari Son Of Yogendra Tiwari Resident Of Village- Tiwari Ke Matkan, Ps- Andar, Distt- Siwan
2. Mrityunjay Tiwari @ Mrityunjay Kumar Tiwari Son Of Yogendra Tiwari Resident Of Village- Tiwari Ke Matkan, Ps- Andar, Distt- Siwan
3. Yogendra Tiwari @ Yogendra Kumar Tiwari Son Of Kanhaiya Tiwari Resident Of Village- Tiwari Ke Matkan, Ps- Andar, Distt- Siwan
4. Ram Pravesh Tiwari Son Of Nageshwar Tiwari Resident Of Village- Tiwari Ke Matkan, Ps- Andar, Distt- Siwan
5. Satyam Tiwari Sonof Mithilesh Tiwari Resident Of Village- Tiwari Ke Matkan, Ps- Andar, Distt- Siwan
6. Lalit Tiwari Son Of Ramdev Tiwari Resident Of Village- Tiwari Ke Matkan, Ps- Andar, Distt- Siwan
7. Munna Tiwari Son Of Rampravesh Tiwari Resident Of Village- Tiwari Ke Matkan, Ps- Andar, Distt- Siwan
8. Dhananjay Tiwari Son Of Bachha Tiwari Resident Of Village- Tiwari Ke Matkan, Ps- Andar, Distt- Siwan
9. Nitish Tiwari @ Nitesh Tiwari Son Of Krishna Tiwari Resident Of Village- Tiwari Ke Matkan, Ps- Andar, Distt- Siwan
10. Manish Tiwari Son Of Krishna Kumar Tiwari Resident Of Village- Tiwari Ke Matkan, Ps- Andar, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-07-2024 This application has been filed for quashing of the

cognizance order dated 20.03.2018 passed by the learned Chief

Judicial Magistrate, Siwan passed in Andar P.S. Case No. 205 of

2017.



2. The petitioner wants quashing of the cognizance order on the ground that a civil dispute is made out and for that he relies upon the final form submitted by the police.

3. The Court below has differed with the final form and has taken cognizance on the basis of the materials available on record.

4. From perusal of the materials available on record, I am not inclined to interfere in the cognizance order at this stage. The petitioner may raise all the grounds at the stage of framing of charge.

5. If such an application is filed, the court below will decide the same in accordance with law in light of the judgment of Hon’ble Supreme Court in the case of ***Kanchan Kumar V/s State of Bihar; (2022) 9 SCC 557.***

6. Accordingly, this application stands disposed of.

(Sandeep Kumar, J)

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