

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38302 of 2016

Arising Out of Case No.-1512 Year-2014 PATNA COMPLAINT CASE District- Patna

Rajesh Kumar Singh Son of Late Lalan Prasad Singh Resident of Village-
Bhaluaiya, P.s.- Sikarganj, District- East Champaran at the time of occurrence
posted as A.S.I., P.S.- Rupaspur, Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Monu Son of Shri Dharnidhar Mishra Resident of Advocate Colony, Gola
Road, P.S.- Rupaspur, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Adv.
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 18-11-2024 Heard Mr. Jagjit Roshan, learned counsel for the

petitioner and Mr. Suresh Prasad Singh, learned APP for the

State.

2. The instant petition has been filed for quashing the
order dated 13.05.2016 passed in Cr. Rev. No. 731 of 2015/
Trial No. 28 of 2016 by the learned Additional Sessions Judge-
V, Danapur, Patna whereby and whereunder the learned
revisional court has dismissed the revision application filed
against the order taking cognizance dated 12.08.2015 passed by
learned Judicial Magistrate, 1st class, Danapur, Patna in
Complaint Case No. 1512(C) of 2014 by which cognizance
was taken under sections 341, 323, 379 and 452 of the IPC



against the petitioner and the other accused persons.

3. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case and the complaint case was filed after two and half months of the alleged occurrence. It is further submitted that the petitioner was posted as A.S.I. at Rupaspur P.S. during the relevant time and has been made accused in this matter on account of his honesty and integrity as he did not succumb to the pressure of the complainant's father. It is also submitted that complainant's father is an Advocate of this court and his three sons, including the present complainant, are criminals of the locality and four criminal cases have been registered against them. It is further submitted that co-accused, Mritunjay Kumar, Braj Kishore Prasad and Abhishek Kumar challenged the order dated 12.08.2015 passed by the learned Judicial Magistrate, Danapur, Patna by which cognizance was taken against them and petitioner under sections 341, 323, 379 and 452 of the IPC by filing Cr. Misc. Nos. 56410 of 2015, 25744 of 2016 and Cr. Misc. No. 20590 of 2016 respectively and their petitions were allowed by a learned co-ordinate bench of this court vide judgement dated 17.03.2021 and the order taking cognizance of the alleged offences was quashed and all further proceedings in



their cases having arisen out due to the order of cognizance have also been set aside by this court. It is further submitted that the case of the petitioner stands on better footing from that of co-accused, Mritunjay Kumar as in the entire complaint petition, there is no specific allegation against this petitioner and no documentary evidence was given regarding the medical treatment of the so-called victims before the enquiry court by the complainant which in itself is sufficient to falsify the allegations.

4. Learned APP for the State submits that as the cognizance order which was initially challenged by the petitioner before the revisional court in Cr. Rev. No. 731 of 2015 has been quashed by a learned co-ordinate bench of this court, so, the instant petition has become completely infructuous.

5. Heard both the sides. I find force in the above submission made by the learned APP as the order of cognizance has already been quashed and further all the proceedings having arisen out of the cognizance order have also been quashed and the case of petitioner stands on better footing from the above mentioned co-accused, Mritunjay Kumar, hence the instant petition stands disposed of as the same has become infructuous



and, in view of the orders of Cr. Misc. Nos. 56410 of 2015, 25744 of 2016 and 20590 of 2016 all the proceeding having arisen out of the cognizance order against the petitioner which is still pending against him as per his counsel's submission shall also be deemed to be quashed.

(Shailendra Singh, J)

BKS/-Siddharth
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