

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23949 of 2018

Arising Out of PS. Case No.-1694 Year-2014 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Ramesh Prasad @ Prof. Ramesh Prasad Son of Late Yamuna Prasad, Resident of Village-Chanpatia, Police Station-Chanpatia, District-West Champaran.
 2. Satyendra Kumar Rai @ Prof. Satendra Kumar Roy Son of late Hira Ray, Resident of Village-Satwariya, Police Station-Sathi, District-Wet Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Vashisth Kunwar Son of Harihar Kunwar, Resident of Village-Awraiya, Police Station-Bettia, District-West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad, Adv.

For the Opposite Party/s : Mr. Panchanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-01-2024 1. Heard the learned counsel for the petitioner and the learned APP for the State.

2. The learned counsel for the petitioner at the outset draws the attention of the Court to the order impugned dated 14.03.2016, by which cognizance was taken and it is submitted that the order taking cognizance is a mechanical order as it has been passed on a typed sheet which amply demonstrates that the learned Magistrate without applying his judicial mind took cognizance as the order is formatted and for this proposition the learned counsel for the petitioner relies on the case of



Dharmesh Prasad Verma Vs. State of Bihar reported in
2017(1) PLJR 401.

3. The learned APP submits that since the order taking cognizance is under challenged as such the said issue can be raised at the time of framing of charge.

4. At this stage, the learned counsel for the petitioner seeks permission to withdraw the quashing application with liberty to raise the issue as recorded hereinabove at the time of framing of charge.

5. Permission is accorded.

6. The present quashing application is dismissed as withdrawn with aforesaid liberty.

(Satyavrat Verma, J)

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