

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10691 of 2018

Arising Out of PS. Case No.-1015 Year-2010 Thana- COMPLAINT CASE District- Banka

1. Puran @ Pawan Yadav S/o Late Mahavir Yadav,
2. Tarni Yadav S/o Manshi Yadav, Both R/o Village- Nimhar, P.S.- Belhar, District- Banka.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Bindeshwari Yadav S/o Late Jamahir Yadav, R/o Village- Nimgar, P.S.- Belhar, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-01-2024 1. Heard the learned counsel for the petitioner and the learned APP Mr. Chandra Bhushan Prasad for the State.

2. The learned APP Mr. Chandra Bhushan Prasad at the outset submits that from bare perusal of the order taking cognizance, it would appear that there is no infirmity in the same, as the cognizance has been taken on remand by a superior Court in Criminal Revision No.380/2011. The learned APP next submits that what is not disputed rather stands admitted is that one person died, whether the death was accidental, suicidal or homicidal is an aspect which is to be seen in the trial, it is also submitted that from the order of the learned Revisional Court, it would manifest that the same records that doctor had found



nasal angle bleeding upon right eye caused by hard and blunt substance, as such, it cannot be said that it was a case of drowning.

3. The learned counsel appearing on behalf of the petitioner vehemently opposes the submission of the learned APP and submits that the police after investigation had submitted final form, which was accepted by the learned trial court, thereafter a protest petition was filed, in which nine witnesses were examined and the learned Magistrate was pleased to dismiss the protest petition under Section 203 of the Cr.P.C. against which the informant had moved in revision before the learned revisional court, which set aside the order of dismissal of the protest-cum-complaint petition and remanded the matter back for applying mind afresh and thereafter the cognizance came to be taken. It is thus submitted that when the Magistrate did not find any evidence during the course of enquiry when the protest-cum-complaint petition was taken up and dismissed the complaint case, it amply demonstrates that the order taking cognizance is mechanical.

4. The learned APP Mr. Chandra Bhushan Prasad submits that the learned counsel for the petitioner is trying to make out a case that the deceased died because of drowning but



then the injury found by the doctor belies the submissions made by the learned counsel for the petitioner.

5. Considering the submissions made by the learned APP, the Court is not inclined to entertain the quashing application.

6. The quashing application is rejected.

(Satyavrat Verma, J)

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