

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52219 of 2024

In
CRIMINAL MISCELLANEOUS No.51162 of 2017

Arising Out of PS. Case No.-35 Year-2017 Thana- KINJAR District- Jehanabad

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Ajay Kumar Ujjwal Son of Mahesh Prasad RESIDENT OF VILLAGE- AND
P.S.- KINJAR, DISTT.- ARWAL

... .. Petitioner/s

Versus

1. The State of Bihar
2. SURENDRA YADAV SON OF SIDHESHWAR YADAV @ BUTAI
YADAV RESIDENTS OF VILLAGE- MIRZAPUR, P.S.- KINJAR, DISTT.-
ARWAL
3. SANJAY YADAV SON OF BINDESHWAR YADAV RESIDENTS OF
VILLAGE- MIRZAPUR, P.S.- KINJAR, DISTT.- ARWAL
4. RANJAY YADAV SON OF BACHCHA YADAV RESIDENTS OF
VILLAGE- MIRZAPUR, P.S.- KINJAR, DISTT.- ARWAL
5. CHANDDDRAMA YADAV @ VIDHAYAK SON OF RAJENDRA YADAV
RESIDENTS OF VILLAGE- MIRZAPUR, P.S.- KINJAR, DISTT.-
ARWAL
6. RAJESH KUMAR @ RAJESH YADAV SON OF JAI NANDAN SINGH
YADAV RESIDENTS OF VILLAGE- MIRZAPUR, P.S.- KINJAR, DISTT.-
ARWAL

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-08-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that
the present restoration application has been filed seeking
restoration of Criminal Miscellaneous No. 51162 of 2017 which
stood dismissed for default by an order dated 30.11.2023 as no



one had appeared on behalf of the petitioner.

3. The learned counsel next submits that Criminal Miscellaneous No. 51162 of 2017 was filed seeking quashing of the order dated 24.06.2017 passed in G.R. Case No. 276 of 2017/T.R. No. 1068 of 2017 corresponding to Kinger P.S. Case No. 35 of 2017 dated 25.03.2017 passed by Sri Sanjeev Kumar, learned ACJM-III, Arwal whereby cognizance was only taken under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code against the Opposite Party Nos. 2 to 6 on basis of Charge Sheet No. 59 of 2017 dated 30.05.2017, further a prayer was made to direct the learned Trial Court to take cognizance for offence under Section 392 of the IPC which in the nature of allegation as alleged in the FIR is, *prima facie*, made out according to the petitioner.

4. The learned APP for the State submits that a frivolous quashing application has been preferred by the petitioner. It is next submitted that cognizance has already been taken and in the event if the petitioner is aggrieved by the fact that cognizance was not taken under Section 392 IPC, in that event he has ample opportunity to prove the case during the course of trial and get the charges altered under Section 216 Cr.P.C.



5. Considering the submissions made by the learned APP for the State, the Court is not inclined to restore Criminal Miscellaneous No. 51162 of 2017 to its original file.

6. Accordingly, the present restoration application is dismissed.

(Satyavrat Verma, J)

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