

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5722 of 2020

Arising Out of PS. Case No.-206 Year-2018 Thana- BIHIA District- Bhojpur

Sunil Kumar Sharma @ Sunil Sharma S/o Late Ramjee Sharma Resident of
Village- Raja Bazar, Bihiya, P.S.- Bihiya, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the State : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-07-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has moved the Court for the
following reliefs:

*“That, this is an application for
quashing of the order dated 04.12.2019 passed by
the learned Additional Chief Judicial Magistrate-
12, Arrah, Bhojpur in Bihiya Police Station Case
No. 206 of 2018 dated 27.05.2018 by which the
cognizance has been taken against the petitioner
under Section 147, 148, 149,341, 302, 504, 506 of
the Indian Penal Code and under Section 27 of
the Arms Act.”*

3. The petitioner is accused in a case under Section
302 of the Indian Penal Code and cognizance of the offences
under Section 302 of the Indian Penal Code and other offences
have been taken.

4. Learned counsel for the petitioner submits that on



the ground of *alibi*, the cognizance order should be quashed by this Court.

5. This Court will not consider the defence of the petitioner at the stage of cognizance as the same is not even permissible at the stage of framing of charge.

6. This application is dismissed with liberty to the petitioner to raise all the grounds at an appropriate stage.

7. The trial arising out of Bihiya P.S. Case No. 206 of 2018 is directed to be expedited as it appears that the accused is trying to delay the trial.

8. Let a copy of this order be communicated to the District Judge, Ara forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

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