

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16189 of 2022

Arising Out of PS. Case No.-21 Year-2019 Thana- MARAUNA District- Supaul

Bechan Bhandari Son Of Late Bihari Bhandari Resident Of Vill- Parari , P.S -
Marauana, Dist- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Binod Kumar Sah S/O Rajendra Prasad Sah, R/O Nirmali, Ward No 2
3. Binod Kumar Sah Son Of Rajendra Prasad Sah Resident Of Vill- Nirmali,
Ward No.-2, P.S - Nirmali, Dist- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Singh, Advocate
For the State	:	Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 03-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. None appears on behalf of the opposite party no. 2,
despite valid service of notice.

3. The present application has been filed for quashing
the order dated 24.10.21 passed by J.M. 1st class, Supaul in
Marauna P.S. case no.- 21 of 2019 corresponding to G.R. No.-
394/19 by which cognizance has been taken against the
petitioner under Section 506, 448, 504, 308/34 of the Indian
Penal Code and summons were issued against him.

4. It has been alleged by the informant Binod Kumar
Sah that when he was sleeping in the house of his sister, he



heard the sound of firing and upon hearing the same he came out of his room. When the informant came out of his room he saw the petitioner and three unknown persons fleeing away with arms and when the informant raised Halla, the petitioner threatened the informant. Further it has been alleged by the informant that the accused persons had come with an intention to kill his sister and brother-in-law.

5. On the basis of the aforesaid allegations, the police has instituted Marauna P.S. case No.-21/19 under Sections 448, 504, 307, 506/34 of the I.P.C. and under Section 27 of the Arms Act and after investigation the police has submitted Final-form showing that the petitioner is innocent.

6. It has been submitted by the learned counsel for the petitioner that though, the police has submitted final form against the petitioner but the learned Judicial Magistrate concerned, differing with the final form took cognizance against the petitioner and issued summons against him.

7. It has further been submitted by the learned counsel for the petitioner that the petitioner is 75 years old innocent person and he has not committed any offence and has falsely been implicated in this case as no such occurrence has taken place as alleged in the F.I.R.



8. Learned counsel for the petitioner further submits that the present case has been lodged with a view to harass the petitioner and during the course of investigation nothing has come against the petitioner to connect him with the crime. During the course of his argument, learned counsel for the petitioner has taken this Court to paragraph nos. 8, 22 and 50 of case diary.

9. After going through the paragraph nos. 8, 22 and 50 of the case diary, it appears that nothing has come against the petitioner to connect him with the crime but the learned Magistrate has differed with the final form and has taken cognizance against the petitioner relying upon the aforesaid paragraphs of the case diary.

10. Considering the aforesaid, I am of the view that the impugned order cannot be sustained.

11. Accordingly, this application is allowed and the impugned order dated 24.10.21 passed by J.M. 1st Class, Supaul in Marauna P.S. case no.- 21/2019 corresponding to G.R. No.- 394/19, is hereby quashed.

(Sandeep Kumar, J)

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