

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76077 of 2018

Arising Out of PS. Case No.-732 Year-2017 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Dr. Mirtunjay Kumar son of Sri Kameshwar Prasad Singh, resident of Village- Ataram Chak, P.O.- Eknagar Dih, P.S.- Ekangar Sarai, District- Nalanda, at present residing at Captain Ajay Memorial Haddi Hospital-cum-residence Ekangar Sarai, P.S.- Ekangar Sarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Ganauri Prasad, son of Late Gopi Garai.
3. Dipak Kumar, son of Ganauri Prasad.
4. Suraj Kumar, son of Ganauri Prasad. All the three Opp. Parties no. 2 to 4 are resident of Village- Sundibigha, P.O. P.S.- Ekangar Sarai, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Chaudhary, Sr. Advocate
	:	Mr. Binoy Kumar, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

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

learned counsel for the State.

2. This application has been filed on behalf of the petitioner for quashing the order dated 21.08.2018 passed by the learned Sub-Divisional Judicial Magistrate, Hilsa in connection with Complaint Case No.732(C)/2017.

3. By the impugned order dated 21.08.2018, the Magistrate has taken cognizance against some accused persons and has not taken cognizance against other accused persons.

4. Learned senior counsel for the petitioner submits



that the cognizance ought to have been taken against all the accused persons, not only against some of the accused persons.

5. In my opinion, this is not the right stage and right jurisdiction to consider the case of the petitioner.

6. Accordingly, this application is disposed of with liberty to the petitioner to file an application under Section 319 of Cr.P.C./Section 358 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, before the Trial Court for summoning of the additional accused, if evidence is found against them.

7. If such an application is filed by the petitioner, the same shall be considered by the Trial Court in accordance with law.

(Sandeep Kumar, J)

anand/-

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