

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48727 of 2021

Arising Out of PS. Case No.-82 Year-2020 Thana- SITAMARHI District- Sitamarhi

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RANJEET SINGH @ RANJEET KUMAR @ RANJEET KUMAR SINGH
S/o SRI HARI NARAYAN SINGH @ HARI SINGH R/o VILLAGE-
NANKAR SIMARDH, P.S-SUPPI, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Opposite Party/s : Mr.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-03-2025 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The present application has been filed for quashing
of the order dated 09.06.2021 in connection with Sitamarhi P.S.
Case No.82/2020, GR No.396/2020 passed by the Chief Judicial
Magistrate, Sitamarhi, whereby and where under the Chief
Judicial Magistrate has been pleased to take cognizance for the
offence under section 302/34 of the Indian Penal Code and 27 of
the Arms Act.

3. The prosecution story in short as per as first
information report is that on 31.01.2020 in the night the
informant's son Molu Singh @ Anand Kumar (deceased) had
gone in Adarsh Nagar Muhalla to visit Puja Celebration. The



accused persons including the petitioner along with some unknown miscreants committed murder by firing at him due to previous disputes. On getting such information, the informant rushed to the hospital and found his son dead. On the basis of aforesaid fardbeyan FIR was lodged.

4. It is submitted on behalf of the petitioner that the police after conclusion of witnesses submitted false final form. The other witnesses examined during the investigation have also not supported the prosecution case. It is further submitted that the investigation officer finding no clue to prosecute the petitioner submitted final form false.

5. It is also submitted by the learned counsel for the petitioner that the C.J.M., Sitamarhi took cognizance of offences in quite mechanical manner and without appreciation of evidence of witnesses in proper prospective.

6. Learned Additional Public Prosecutor appearing on behalf of the State has vehemently opposed the application.

7. I have considered the submission of the parties.

8. From the impugned order taking cognizance, it appears that the magistrate has passed a reasoned order after considering the materials available on record.

9. I am not inclined to interfere in the case at this



stage.

10. This application is dismissed with liberty to raise all the grounds at the stage of framing of charge. If such an application is filed, the same shall be considered in the light of the law laid down in the case of *Kanchan Kumar Vs. State of Bihar reported in 2022 9 SCC 577*.

(Sandeep Kumar, J)

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