

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49458 of 2022

Arising Out of PS. Case No.-302 Year-2014 Thana- AMARPUR District- Banka

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Mukesh Kumar @ Mukesh Pandit S/o Kampani Pandit R/o village- Kashpur,
P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Chaudhary D/o Manikant Chaudhary R/o village- Kaushalpur, P.S.-
Amarpur, District- Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 28-07-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. That present application has been filed for quashing
the order dated 09.02.16, passed by C.J.M., Banka, in
connection of Amarpur P.S. Case No. 302 of 2014, dated:
10.10.14, corresponding to G.R. No.: 2026 of 2014/registration
No. 8569 of 2014, registered for offence under sections 302,
201, 34 of Indian Penal Code, by which the learned C.J.M.,
Banka, has been pleased to take cognizance against the
petitioner.

3. Learned counsel for the petitioner has submitted
that after investigation, final form was submitted by the police



and the petitioner was exonerated and after differing with the final form cognizance has been taken.

4. From the impugned order, it appears that the cognizance has been taken by the Magistrate after differing with the final form and after considering the materials available on record.

5. From the arguments, it appears that the petitioner wants this Court to consider the defence evidence of the petitioner which is not even permissible at the stage of discharge so it cannot be considered at the stage of cognizance.

6. This application is dismissed with liberty to the petitioner to raise all the grounds at the stage of framing of charge and if such an application is filed, the same shall be considered and disposed of by the trial Judge, in accordance with the law in light of the law laid down by the Hon'ble Supreme Court in the case of **Kanchan Kumar Vs. State of Bihar** reported in **(2022) 9 SCC 577**.

(Sandeep Kumar, J)

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