

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19113 of 2019

Arising Out of PS. Case No.-502 Year-2018 Thana- SHEKHPURA District- Sheikhpura

Shankar Ram @ Shiv Shankar Ram Son of Radhey Ram Resident of Village -
Mahadeo Nagar, P.S- Sheikhpura, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the State : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-01-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present application has been filed for quashing
the order dated 01.12.2018 passed in connection with
Sheikhpura P.S. Case No. 502 of 2018 whereby the learned
Magistrate has taken cognizance against the petitioner for the
offence under Sections 363 and 366(A) of the Indian Penal
Code and Section 8 of the POCSO Act.

3. The present application has been filed by the
petitioner for quashing the impugned order of cognizance.

4. Learned counsel for the petitioner submits that
there is no allegation against the petitioner as he is the uncle
(*phupha*) of the main accused Dinesh Kumar and he has no role
in the crime.

5. Learned APP has opposed this application and has
submitted that since it is case under POCSO Act, the cognizance



order may not be quashed against the petitioner at this stage.

6. After having considered the submissions of the parties, I am of the view that the petitioner may raise all the grounds at the stage of framing of charge and if such an application is filed, the same shall be considered by the Special Judge and decided within one month of the filing of the application.

7. The Special Judge will pass a reasoned order 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**, after considering the allegations and the materials available on record and also consider the fact that the petitioner is distantly related and apparently no role has been assigned to the petitioner in the FIR as well as the investigation.

8. With the aforesaid observations and directions this application stands dismissed.

9. Let a copy of this order be communicated to the Principal District and Sessions Judge, Sheikhpura forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

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