

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35381 of 2021**

Arising Out of PS. Case No.-365 Year-2019 Thana- MURLIGANJ District- Madhepura

MANOJ KUMAR @ MANOJ YADAV Son of Satyendra Prasad Yadav  
Resident of Village - Kolhaipatti, Ward No. 5, P.S.- Murliganj, District -  
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sanjeev Kumar S/o Shyam Yadav R/o Kolhaipatti, Ward No. 4, PS  
Murliganj, District Madhepura

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                              |
|--------------------------|---|--------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. P.N. Shahi, Sr. Adv.<br>Mr. Manoj Kumar Pandey           |
| For the Opposite Party/s | : | Mr. A.G.                                                     |
| For the Informant        | : | Mr. Uday Chand Prasad<br>Mr. Manoj Kumar<br>Ms. Pooja Prasad |

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

6      10-02-2026                      Heard the parties.

2. This application has been filed for quashing the order dated 18.02.2021 passed in CIS No. 1903 of 2019 / Tr. No. 290 of 2021 arising out of Murliganj P.S. Case No. 365 of 2019 by the learned Additional Chief Judicial Magistrate-II, Madhepura.

3. The impugned order taking cognizance has been challenged basically because of the fact that in a separate FIR, one person was caught who has confessed before the police that he has shot at the deceased. Learned senior counsel for the



petitioner relies upon statement of certain witnesses also.

4. Mr. Shahi wants this Court to hold a mini-trial and exonerate the petitioner but this Court is not convinced by the argument of Mr. Shahi.

5. In the opinion of this court, the defence of the petitioner cannot be seen at the stage of cognizance.

6. Accordingly, this application is dismissed with liberty to the petitioner to file a discharge application and raise all the grounds. If the petitioner files such an application then the trial Court will consider the same and pass a reasoned order in connection with law in connection with ***Kanchan Kumar Vs. State of Bihar reported in (2022) 9 SCC 577.***

(Sandeep Kumar, J)

Vikas/-

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