

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41099 of 2012

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1. Roshan Kumar Gupta, son of Ramayan Prasad Gupta
2. Ranjay Gupta @ Ranjan Kumar Gupta alias Guddu, son of Ramayan Prasad Gupta
3. S.K.Gupta @ Sanjay Kumar Gupta alias Mantu Gupta, son of Ramayan Prasad Gupta
4. Ramayan Prasad Gupta, son of Late Mahadev Ram
5. Nutan Gupta, Wife of Roshan Gupta
All are residents of Mohalla-Kali Bazar, Ward No.22, Araria NagarParishad, P.S-Araria, District-Araria.

.... Petitioners

Versus

1. The State of Bihar
2. Gayatri Devi Wife Of Surendra Paswan, resident of Mohalla-Kali Bazar, Ward No.22,Araria Nagar Parishad P.S-Araria,District-Araria.

.... Opposite Partys

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra
For the Opposite Party/s : Mr. Murlidhar (APP)

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 20-03-2015 The present application has been filed for quashing the cognizance order dated 01.12.2010 passed by the Judicial Magistrate, Ist Class, Araria, in Complaint Case No. 3247 (C) of 2010 for the offence alleged under Sections 147, 452, 380 and 504 of the Indian Penal Code.

2. It is submitted that the petitioners have been falsely implicated on being members of a family on inimical terms with the complainant. Petitioner Nos. 2 and 3 were not present at the place of occurrence on the concerned date being employed at Chennai and Rai Bareli, respectively. Moreover, the accused no. 7 in his deposition has denied that

the accused nos. 2, 5 and 6 are his sons.

3. A perusal of the impugned order dated 01.12.2010 discloses that the statements of the complainant and four witnesses have been taken into consideration including other materials on record and a prima facie case has been found true against the accused persons.

4. In the above view of the matter, this Court is not inclined to entertain the application at this stage.

5. The petition accordingly stands dismissed.

6. The petitioners shall be at liberty to raise all the points at the time of framing of charge.

(Vikash Jain, J)

Md. Ibrarul/-

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