

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19329 of 2014

Arising Out of Complaint Case No.787C Year- 2013 District- MUNGER

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Shamina Khatoon wife of Md. Moizuddin @ Ramzani resident of Mubarakchak,
P.S. Muffasil, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar .
 2. Md. Zakir son of Late Md. Sarbar.
 3. Md. Monu son of Late Md. Sarbar.
 4. Md. Chand son of Md. Moin.
 5. Md. Shahjhan son of Md. Firdosh @ Bulaki.
 6. Md. Tanwir son of Md. Firdosh @ Bulaki.
 7. Md. Nawaz son of Md. Firdosh @ Bulaki.
 8. Md. Israr son of Md. Yunush
- All resident of village Mubarakchak, P.S. Muffasil, District Munger.
9. Md. Azhar son of Md. Salauddin resident of village Chahkasim, P.S. Muffasil,
District Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Adv.
For the State : Mr. B. Ram, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-08-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the part of the order dated 26.2.2014 by which the Judicial Maistrate, 1st Class, Munger, has taken cognizance only under Section 323 Indian Penal Code and not under Section 436 Indian Penal Code in Complaint Case No. 787C of 2013.

Since cognizance is not taken of a particular offence to a case as a whole and what offence is made out is best determined at

the stage of charge, I am not inclined to interfere in the matter.

The application stands disposed off with the aforesaid observation.

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(Anjana Prakash, J)