

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17839 of 2015

Arising Out of PS.Case No. -280 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Ram Tirath Paswan age about 70 years Son of Late Haruni Paswan.
 2. Savita Devi age about 59 years wife of Ram Tirath Paswan.
 3. Sanjiv Paswan age about 24 years son of Ram Tirath Paswan.

All resident of Mohalla- 3 MF, Block- 7, Quarter no.-19, Bahadurpur Housing Colony, Bhootnath road, P.O.- Bahadurpur Housing colony, P.S.- Agamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Balbhadra Kumar son of Late Ram Lagan Singh, resident of vill- Veer, P.S.- Dhanarua, Dist- Patna, at present Mohalla- Farmasitikal colony Bhagbat Nagar Kumhrar, Bahadurpur P.S.- Agamkuwan, Dist- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 27-04-2015 The present application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 26.08.2013 passed by the learned Judicial Magistrate, Ist Class, Patna City in Complaint Case No. 280 (C) of 2013 whereby the learned Judicial Magistrate, Ist Class, Patna City finding a prima facie case to be made for the offences punishable under Section 468 of the Indian Penal Code, has summoned the petitioners to face trial.

The aforesaid order dated 26.08.2013 has been passed after taking into consideration not only the complaint filed by the complainant but also the statement of the

complainant on oath and of other witnesses recorded under Section 202 of the Code of Criminal Procedure. The petitioners have not brought on record the statement of the complainant or witnesses recorded before issuance of summons.

In that view of the matter, I am not inclined to entertain this application on merits. Accordingly, the application is disposed of with the liberty to the petitioners to file another application in the same subject matter before this Court along with all the relevant documents.

(Ashwani Kumar Singh, J)

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