

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49275 of 2012

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1. Tuntun Rai S/O Rajendra Rai Resident Of Village- Sharma Amar, P.S-
Bhagwanpur, District- Vaishali.
2. Amod Rai S/O Devi Rai Resident Of Village- Sharma Amar, P.S-
Bhagwanpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State Of Bihar Null Null
2. Sonafi Devi W/O Rameshwar Rai Resident Of Village- Sharma Amar,
P.S- Bhagwanpur, District- Vaishali.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

2 23-04-2015

Heard learned counsel for the petitioners and the State.

The petitioners have challenged the order dated 30.1.2012 passed by the learned Chief Judicial Magistrate, Vaishali at Hajipur in Bhagwanpur P. S. Case no. 49 of 2011 by which cognizance has been taken against the petitioners for the offence punishable under Sections 341, 323, 379, 376/511/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that from perusal of the F.I.R. of Bhagwanpur P. S. Case no. 49 of 2011 arising out of Complaint Case no. 3293 of 2010, it appears that the date of occurrence is 24.10.2010 whereas the complaint case has been filed at a belated stage. i.e., on 31.1.2011. It has also been submitted that prior to lodging of the complaint case, Devi Rai @ Devendra Rai, father of petitioner no. 2 and uncle of petitioner no. 1 had filed Complaint Case no. 3278 of 2010 for the occurrence taken place on 20.10.2010 for the offence punishable under Sections 452, 323, 342, 504 and 379/34 of the Indian Penal Code against the complainant Sonafi Devi and others which has also

been registered as Bhagwanpur P.S. Case no. 20 of 2011.

On perusal of both the complaint cases it appears that they have been filed for the occurrence taken place at different occasions. Learned Chief Judicial Magistrate, Vaishali at Hajipur, after perusal of the chargesheet and the materials in the case diary has taken cognizance against the petitioners.

I do not find any ground to interfere with the impugned order at this stage. This petition is dismissed.

(Amaresh Kumar Lal, J)

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