

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 10532 of 2013

Arising Out of PS.Case No. -588 Year- 2011 Thana -EAST CHAMPARAN COMPLAINT District-

=====

1. Surendra Prasad, Son of Kapil Dev Prasad
2. Koshik Sah, Son of Ram Abtar Sah
Both of resident Majhaulia, P.S. – Pakridayal, District – East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Akhilesh Kumar, Son of Late Mohanlal Paswan, Village – Majhaulia, P.S. – Pakridayal, District – East Champaran

.... Opposite Party/s

=====

Appearance :

For the Petitioners : Mr.

For the Opposite Party : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL ORDER

2 14-05-2015

Heard learned counsel for the petitioner and learned counsel for the State.

This is a petition for quashing the order dated 21.02.2012 passed in Enquiry No. 242 of 2011 arising out of Complaint Case No. 588 of 2011 by the learned Judicial Magistrate-1st Class, Sikrahana at Motihari by which he took cognizance for the offence under Sections 341, 323, 427, 380, 504 and 506 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the petitioners.

The prosecution case, as alleged in the complaint petition, is that the complainant is a member of the Scheduled Caste and has got a shop of Public Distribution System. The accused persons demanded Rangdari of Rs.25,000/- to allow him to continue the said Public Distribution Shop and thereafter it is alleged that he was assaulted, articles were snatched and the

kerosene oil was thrown on ground causing loss of 100 litres of kerosene oil.
It is further alleged that he was threatened, abused by calling his caste name.

Learned counsel for the petitioners, however, contended that the allegations made are exaggerated version and further complainant was not abused by caste name in full public view and hence, it is submitted that the cognizance has been taken without due application of mind.

Having regard to the fact that whatever the allegation as alleged in the complaint petition, if taken on its face value, then it is apparent that a prima facie case is made out and the cognizance of the offence has already been taken after due application of mind, I do not find any merit to interfere with the order taking cognizance. This petition is, accordingly, dismissed with liberty to raise the issue at the stage of framing of the charge.

(Gopal Prasad, J.)

Kundan

U			
---	--	--	--