

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48303 of 2012

Arising Out of PS.Case No. 2977 Year- 2011 Complaint Case District- -Patna

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Keshaw Lal Prasad son of Late Nem Narayan Rai, resident of Mohalla-Chakaram,
P.S.-Budha Colony, District -Patna

.... Petitioner

Versus

The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Suraj Narain Yadav, Advocate

For the Opposite Party: Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-04-2015

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

2. The present application has been filed for quashing the
order dated 04.09.2012 passed in Complaint Case no.2977 (C) of
2011 by which Smt. Reshma Verma, learned Judicial Magistrate, Ist
Class, Patna has taken cognizance of offences under Sections 323 and
504 of the Indian Penal Code and directed issuance of process against
the petitioner and others.

3. It is submitted that the accused persons including the
petitioner have been falsely implicated in the complaint case which is
mala fide and vexatious.

4. Be that as it may, on perusal of the impugned order of
cognizance discloses that the learned Magistrate has duly taken note

of the complaint petition, statements of the complainant on solemn affirmation and evidence of the three witnesses before finding a prima facie case to be made out against the accused persons. Due application of mind while taking cognizance is writ large on the face of it, considering that no prima facie case was found to be made out under various sections of the Indian Penal Code as well as Section 27 Arms Act.

5. In the above circumstances, this petition has no merit and is dismissed.

(Vikash Jain, J)

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