

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49631 of 2012

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Md. Kismat S/O Md. Amiru, resident of Village - Jamuari, P.S. Arer,
District - Madhubani

.... Petitioner

Versus

1. The State Of Bihar
2. Shabir S/O Late Zakir, resident of Village - Jamuari, P.S. Arer, District
- Madhubani

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

2 23-04-2015 Heard learned counsel for the petitioner and the State.

The petitioner has preferred this application against the order dated 6.6.2012 passed by the learned Chief Judicial Magistrate, Madhubani in Arer P. S. Case No. 39 of 2011 by which a prima facie case has been found against the petitioner and others for the offence punishable under Sections 341, 323, 504/34 IPC.

Learned counsel for the petitioner submits that the informant has filed this case as retaliation. Mangal Sheikh, brother of the petitioner has filed Arer P. S. Case No. 40 of 2011 for the occurrence which took place on the same day. The case lodged by Mangal Sheikh is prior to the case lodged by Md. Sabir. He has further submitted that at the time of occurrence, Md. Kismat was

admitted in the hospital and the injury report was issued.

It appears from the impugned order that the learned Magistrate has found a prima facie case against the petitioner and others for the offence punishable under Sections 341, 323, 504/34 IPC after considering the first information report, case-diary and the charge-sheet.

Considering the facts and circumstances, I do not find any ground to interfere with the impugned order.

However, it will be open to the petitioner to raise his grievance at the time of framing of the charge.

With the aforesaid observation, this petition stands disposed of.

(Amaresh Kumar Lal, J)

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