

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18667 of 2015

Arising Out of PS.Case No. -1081 Year- 2011 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

- =====
- 1.Basudeo Shukla son of late Shalik Sukla
 - 2.Shiv Jee Sukla son of late Shalik Sukla
 - 3.Vijay Lal son of Gajendra Prasad Verma
- All are resident of village-Shukulpura, P.S.-Dhobha (O.P), District-
Bhojpur
4. Shree Bhagwan Tiwary son of late Hare Ram Tiwary
 - 5.Arjun Tiwary @ Arjun Kumar Tiwary son of Hare Ram Tiwary
- Both are resident of village-Jhoan, P.S.-Bihiyan, Distrcit-Bhojpur
- 6.Anil Tiwary son of late Shyamla Tiwary, resident of village-Persurampur,
P.S.-Kirshana Garh, District- Bhojpur
 - 7.Arvind Kumar Pandey @ Arvind Pandey son of Shaligram Pandey,
resident of village-Baghakol, P.S.-Ara (Town), District- Bhojpur

.... Petitioner/s

Versus

- 1.State of Bihar
- 2.Rajiv Kumar Ojha @ Raju Ojha son of Chandra Mohan Ojha, resident of
village-Gundi, P.S.-Krishnagarh, District- Bhojpur at present residing at
Mohalla- Shital Tola, Arrah in Southern Lane to Sapna Cinema, P.S.- Ara
(Town), District- Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra

For the Opposite Party/s : Mr. J.Upadhyay(App)

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**
ORAL ORDER

2 30-04-2015 The present application under section 482 of the Code of

Criminal Procedure (hereinafter referred to as “the Code”) has

been filed for quashing the order dated 15.10.2012 passed by the

learned Judicial Magistrate, 1st Class, Arrah, Bhojpur in Complaint

Case No.1081(C) of 2011 whereby the learned Magistrate finding

a prima facie case to be made out for the offences punishable

under sections 366, 368 and 120B read with 34 of the Indian Penal

Code, had summoned the petitioners to face trial.

The aforesaid order dated 15.10.2012 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. The petitioners have not brought on record the statement of the complainant and the 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 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)

Md.S./-

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