

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43727 of 2012

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1. Kari Das S/O Late Vikal Das Resident Of Village- Majhaura, P.S.- Bahera, District- Darbhanga
2. Janki Devi W/O Kari Das Resident Of Village- Majhaura, P.S.- Bahera, District- Darbhanga

.... Petitioners

Versus

1. The State Of Bihar
2. Soni Devi W/O Lalit Das, D/O Pitamber Das, residing at Village- Bedipath Sakri, P.S. Bahadurpur, District- Darbhanga.

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr. Arun Kumar, Advocate.

For the Opposite Parties : Mr. Amit Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 20-03-2015 Heard.

The instant application has been filed for quashing the order dated 06.08.2012 passed by the learned C.J.M. Darbhanga in Bahadurpur P.S. Case No. 155 of 2012/ G.R. No. 1789 of 2012, whereby and whereunder, cognizance has been taken for the offences under sections 341, 323, 504 and 498 A of the I.P.C.

The instant case has been instituted on the basis of the Complaint Case No. 857 of 2012 which was sent for registering the case and investigation and accordingly the case was registered, charge-sheet was submitted against the petitioners also and accordingly cognizance has been taken.

At the time of taking cognizance the only thing which

is required is to see as to whether prima-facie material is available against the petitioners or not and the learned C.J.M. after perusal of the F.I.R, charge-sheet and the case diary has passed the impugned order and therefore there being no illegality, incorrectness or impropriety and as such the same does not require any interference by this Court.

The petitioners may be at liberty to raise all these points after filing the discharge petition and in that case the learned court below shall pass appropriate order in accordance with law.

Accordingly, this Criminal Miscellaneous Application is hereby disposed of.

(Jitendra Mohan Sharma, J)

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