

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.736 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

Chandradeo Saw @ Chandeo Saw, Resident of Village-Dekuli, P.S-Bihta, Distt.-
Patna Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-08-2015

In the present application filed under Section 482 of the Code of Criminal Procedure, the petitioner seeks quashing of the order dated 04.02.2013 passed by the learned Judicial Magistrate, 1st Class, Danapur in Bihta P.S. Case No. 228 of 2011 whereby and whereunder cognizance for the offences under Sections 341, 323, 325, 379 and 504 read with 34 of the Indian Penal Code has been taken against the petitioner and other charge-sheeted accused.

According to the prosecution case, on 28.07.2011 at about 7:00 p.m. when the informant and his brother Harendra Prasad were selling vegetable, the accused persons including the petitioner came there and took vegetable without paying cost for the same. When the informant's brother Harendra Kumar demanded the

cost of vegetable, they assaulted with legs, fists and iron rod and thereby caused fracture in his right leg and took away Rs. 1500/- from the cash box.

The case was found true during investigation. Several witnesses whose statements were recorded under Section 161(3) of the Code of Criminal Procedure have supported the prosecution case. On completion of investigation, the police submitted charge-sheet against the petitioner and others.

After receipt of the police report, the learned Magistrate considered the FIR, the materials collected in course of investigation and the charge-sheet submitted by the police and found a prima facie case to be made out against the petitioner and others. Accordingly, cognizance of the offences mentioned hereinabove was taken vide order dated 04.02.2013.

I find no illegality in the impugned order passed by the Court below. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	
---	--	---	--