

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46411 of 2012

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1. Jagnarayan Mahto
2. Shyam Narayan Mahto
3. Uday Mahto All sons of Jhagaru Mahto, resident of Village - Jharha, P.S. Kutumba, District - Aurangabad
4. Shiv Mahto
5. Sukhlal Mahto
6. Dil Keshwar Mahto
7. Sudeshwar Mahto
All sons of Mahadeo Mahto resident of Village - Jharha, P.S. Kutumba, District - Aurangabad
8. Ganesh Mahto
9. Mahesh Mahto Both sons of Dhaneshwar Mahto
Both are residents of Village - Jharha, P.S. Kutumba, District - Aurangabad
..... Petitioners

Versus

1. The State of Bihar
2. Mahendra Ram, son of Ram Autar Ram, resident of Village - Jharha, P.S. Kutumba, District - Aurangabad
..... Opposite Parties

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-04-2015 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed for quashing the order dated 30.05.2012/12.09.2012 passed in Kutumba P.S. case no.52 of 2011 by which the learned Chief Judicial Magistrate, Aurangabad has taken cognizance of offences under Sections 504 and 506 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act and directed issuance of process against the petitioners.

3. It is submitted on behalf of the petitioners that the first information report has been instituted only with a view to cause harassment to the petitioners whereas in fact, the matter arises out of a land dispute between the parties.

4. Be that as it may, a perusal of the impugned order dated 30.05.2012/12.09.2012 discloses that a prima facie case has been found against the petitioners having regard to the accusations in the FIR and the materials available on record.

5. This Court is not inclined to interfere with the impugned order at this stage. The petition, accordingly, stands dismissed.

6. The petitioners will be at liberty to raise all points before the court below at the appropriate stage.

(Vikash Jain, J)

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