

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32567 of 2013

Arising Out of PS.Case No. -111 Year- 2012 Thana -NAWANGAR District- BUXAR

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1. Bipul Chaubey Son Of Ram Prakash Chaubey Resident Of Village -
Baina, P.S. - Navanagar, Dist. - Buxar

2. Sri Bihari Chaubey @ Biha5ri Chaubey Son Of Ram Prakash Chaubey
Resident Of Village - Baina, P.S. - Navanagar, Dist. - Buxar

.... Petitioner/s

Versus

1. The State Of Bihar

2. Jai Prakash Son Of Late Rajgrih Ram Resident Of Village - Chaturbhuj
Barao, P.S. - Piro, Dist. - Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 09-03-2016

Heard Mr. Rajendra Nath sinha, learned Counsel
for the petitioners and Mr. Ambika Bhagat, Special Public
Prosecutor, appearing on behalf of the State.

Learned Counsel for the petitioners submits that
there is civil dispute between the petitioners and the
informant, leading to institution of the First Information
Report. He has also submitted that even the allegation, as
contained in the First Information Report, indicates that the
dispute is purely civil in nature and, therefore, this Court
should interfere in the matter by quashing the order, dated
04.06.2013, taking cognizance passed by the learned Chief
Judicial Magistrate, Buxar, for offences punishable under
various sections of the Indian Penal Code and Section 3 (i)

(x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act. He has also submitted that in any event, no offence under Section 3 (i) (x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act is made out and this Court may interfere with the order taking cognizance, at least, to that extent.

Considering the facts and circumstances and particularly, the fact that the learned Chief Judicial Magistrate, Buxar, upon perusal of the records has taken cognizance, this application is disposed of with a liberty to the petitioners to raise the plea as has been raised in the present application at the stage of framing of charge. If the petitioners do so, it is expected that the learned Court below shall pass an appropriate order, after considering the materials available on record.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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