

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29541 of 2014

Arising Out of PS.Case No. -38 Year- 2012 Thana -SC/ST BAGHA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Vishwanath Sah, S/O Late Murari Sah
 2. Laddu Sah @ Manoj Sah, S/O Vishwanath Sah. Both are residents of village - Rampur, P.S. - Laukaria, District - West Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 21-06-2016

Heard learned counsel for the petitioners and learned counsel for the State.

This application has been filed seeking quashing of the First Information Report of SC ST Bagaha P.S. Case No. 38 of 2012 registered for the offence punishable under Section 504 of the Indian Penal Code and Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

Having perused the First Information Report, I am of the view that the allegations make out offence, which are cognizable in nature. On the basis of plea that the allegations are false, the First Information Report cannot be quashed. These aspects can be

investigated by the Police or can be considered by Court below at the stage of taking of cognizance or framing of charge.

It goes without saying that the petitioners shall have liberty to raise such plea as may be permissible to him at appropriate stage as indicated above.

This application stands dismissed with the above observation.

(Chakradhari Sharan Singh, J)

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