

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14769 of 2016

Arising Out of PS.Case No. -42 Year- 2014 Thana -BAGAINGOLA District- BUXAR

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1. Kamta Singh S/o Late Haridwar Singh
 2. Tej Narayan Singh S/o Late Ram Naresh Singh
 3. Anil Singh S/o Tez Narayan Singh
 4. Shailendra Kumar Singh @ Shailendra Singh S/o Ramdhar Singh
 5. Shashi Bhushan Singh S/o Late Ramadhar Singh
 6. Satendra Singh s/o Late Ramadhar Singh
 7. Sunil Kumar Singh S/o Late Ramadhar Singh
 8. Shushil Kumar Singh S/o Late Ramadhar Singh
 9. Birendra Singh S/o Late Ram Naresh Singh
 10. Shambhu Singh S/o Late Ram Naresh Singh
- All resident of village- Akodhi, P.S.- Bagen Gola, District- Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate.
For the Opposite Party/s : Mr. J.N. Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-08-2016 Heard both sides.

The petitioners filed this petition under Section 482 of the Code of Criminal Procedure for quashing the order dated 29.11.2014 passed in Bagen Gola P.S. Case No. 42/2014, G.R. No. 1559/2014, corresponding to Tr. No. 5497/2015, by which the learned Judicial Magistrate 1st Class, Buxar took cognizance under Sections 147, 452, 323, 342, 427 and 380 of the Indian Penal Code to proceed against the petitioners.

The informant Ranjit Prasad Singh named ten persons in the FIR alleging therein that on 17.06.2014, at about



12:30 in the afternoon, 15-16 persons entered into his house, damaged the animal shed, two persons dragged the informant out of the house and assaulted him and confined him at another compound. The accused persons assaulted the female members of the informant. The police, after investigation, submitted a report under Section 173(2) of the Code of Criminal Procedure finding the case true against the petitioners. The learned Judicial Magistrate took cognizance vide order dated 29.11.2014. Being aggrieved by the said order, the petitioners preferred this petition for quashing of the order.

Shri Bachan Jee Ojha, learned counsel for the petitioners, submits that out of 10 petitioners, 8 petitioners are in service. There is a land dispute between the parties. Proceedings under Section 144 Cr.P.C. are going on between the parties. The Sub Divisional Magistrate called for a report from the Circle Officer as to whereabouts of some of the accused persons. The Circle Officer reported that at present Shashi Bhushan Singh, Shailendra Singh, Sushil Singh, Satyendra Singh, Kamta Singh, Shambhu Singh, Ten Narayan Singh and Anil Singh are living outside their village. It is submitted that even then cognizance has been taken.

It appears that the Sub Divisional Magistrate called

for a report in the case pending before him under Section 144 Cr.P.C. and the Circle Officer reported that at present eight accused persons are living outside from their house but that does not mean that the petitioners did not commit the offence. The police, after investigation, submitted chargesheet finding the case true. Learned counsel for the petitioners did not point out any illegality in the order taking cognizance. Merely because land dispute is going on between the parties, I do not find the case fit for quashing the order taking cognizance dated 29.11.2014. Accordingly, this quashing petition is dismissed.

The petitioners, if so advised, may raise all the points which have been raised in this petition at the time of framing of charge.

(Prabhat Kumar Jha, J)

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