

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11971 of 2014

Arising Out of PS.Case No. -43 Year- 2011 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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1. Ajay Kumar Singh @ Ajay Singh, son of Sri Ram Kailesh Singh
 2. Kanhai Kumar @ Kanhai Singh, son of Ajay Singh
 3. Ram Naresh Mahto, son of Bairo Mahto

All are residents of Village - Daulatpur Chandi, Police Station
Hajipur (Sadar), District - Vaishali

.... Petitioners

Versus

1. The State of Bihar
2. Binod Kumar Thakur Son of Late Bisheshwar Thakur, Resident of
Village - Daulatpur Chandi, Police Station Hajipur Sadar, District - Vaishali

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

4 29-07-2016 Heard Sri Jitendra Narayan Singh, learned counsel,

who has appeared as per instruction of Sri Madan Jeet Kumar,

learned counsel for the petitioners, who has now become Law

Officer, learned Addl. Public Prosecutor as well as Sri Mukesh

Kumar, learned counsel for Opp.Party no.2.

Three petitioners have approached this Court,

invoking its inherent jurisdiction under Section 482 of the Code of

Criminal Procedure, with a prayer to quash an order dated

06.01.2014 passed by the learned Judicial Magistrate, 1st Class,

Hajipur, Vaishali in Hajipur Sadar P.S. Case No.43/11, G.R.

No.384 of 2011, corresponding to Trial no.2758 of 2012 registered

for the offence under Sections 341, 323, 420, 467,468/34 of the Indian Penal Code. By the said order, the petition filed on behalf of the petitioners for their discharge under Section 239 of the Code of Criminal Procedure has been rejected.

Learned counsel for the petitioners tried to persuade the Court that in a civil dispute, colour of criminal offence has been given. He submits that there was already title suit pending in between the parties. On the aforesaid ground, a prayer has been made for setting aside the impugned order.

Learned Addl. Public Prosecutor and learned counsel for the informant have opposed the prayer of the petitioners. By way of referring to the impugned order, it was submitted by Sri Mukesh Kumar, learned counsel for the informant that the learned Magistrate, while considering the discharge petition, has examined the materials available on record and by a detailed order assigning reason has rejected the discharge petition. It was submitted by learned counsel for the informant that even though at the time of rejection of discharge petition, there is no requirement to assign reason, the learned Magistrate has rejected the petition with detailed order.

Besides hearing learned counsel for the parties, I have also perused the materials on record. I do not find any ground

to interfere with the impugned order. However, liberty is granted to the petitioners to take all the pleas, which have been taken in the present petition, at the defence stage before the court below.

The petition stands disposed of.

(Rakesh Kumar, J)

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