

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8992 of 2016

Arising Out of PS.Case No. -82 Year- 2015 Thana -RUPASPUR District- PATNA

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1. Panna Devi Wife of Mangal Singh Yadav,
2. Rita Wife of Raju @ Amit Kumar,
3. Raju @ Amit Kumar, Son of Sri Mangal Singh Yadav,
4. Dipak Kumar @ Surjeet Singh, Son of Mangal Singh Yadav,
5. Pintu @ Sumit Kumar, Son of Mangal Singh yadav, All are Residence
of Navnit Vihar Colony, East Rupaspur, Bailey Road, P.S. - Rupaspur,
District - Patna. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh

For the Opposite Party/s : Mr. Kalayan Shankar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 12-08-2016

Heard both sides.

The petitioners have filed this petition under Section 482 of the Cr. P. C. for quashing the order dated 05.12.2015 passed by the learned Additional Chief Judicial Magistrate, Danapur in Rupaspur P.S. case No. 82/2015 by which the learned Additional Chief Judicial Magistrate took cognizance under Section 448, 341, 323, 354, 380, 504 and 34 of the IPC and directed to issue summons.

The facts in brief are that the informant, Sheela Singh, lodged Rupaspur P.S. case No. 82 of 2015 making allegation that the accused persons forcibly entered into her house and abused the labourer and mason and assaulted them. The accused persons made allegation that the informant constructed house without leaving the road. The accused persons are alleged to have

assaulted the informant and other family members and also took out Rs. 50,000/- from her house.

The police after investigation found the case true and submitted charge sheet against the petitioners and others. The learned Additional Chief Judicial Magistrate took cognizance after perusing the material collected during the investigation vide order dated 05.12.2015.

The learned counsel for the petitioners submits that the petitioners have filed a petition before the Circle Officer for measurement and demarcation of the land. There is land dispute between the parties. Both the parties are neighbours and they are government employees.

Of course, it appears that there is land dispute between the parties but the present case relates with the occurrence for which the informant has made very specific allegation against the petitioners that they forcibly entered the house, assaulted the informant, her family members, labourer and mason and also snatched money. The police after investigation found the case true and thereupon the learned Judicial Magistrate took cognizance. Therefore, I find no illegality in the impugned order.

Accordingly, this quashing petition is dismissed.

(Prabhat Kumar Jha, J)

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