

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25049 of 2015

Arising Out of PS.Case No. -408 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Sunil Kumar Singh, Son of Sri Ramji Singh
2. Umesh Singh, Son of Sri Ramji Singh
3. Nithal Singh, Son of Sri Umesh Singh
4. Ramji Singh, Son of Late Jad Singh, All the petitioners are residents of
Village + P.O. - Sadokhar, P.S. - Chenari, District - Rohtas (Sasaram)
.... Petitioners

Versus

1. The State of Bihar.
2. Badami Devi, Wife of Shesh Nath Ram, Resident of Village + P.O. -
Sadokhar, P.S. - Chenari, District – Rohtas
.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Nawal Kishor Singh, Adv.
For the Opposite Parties : Mr. Ambika Bhagat(Spl .A P.P.)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 06-05-2016

Heard the learned counsel for the petitioners and the
State.

This is a petition for quashing the order, dated
26.06.2014, passed in Complaint Case No. 408 of 2014 by which
the summons have been ordered to have been issued after taking
cognizance under Sections 323 and 341 of the Penal Code and
3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989. It is alleged that the occurrence alleged to be
taken place in the house and there is allegation of abusing and
calling the caste name, but, not in public view. It is, further,
contended that earlier also a case had been filed and this second
case has, again, been filed.

However, taking into consideration the allegation, it is
apparent that there is specific allegation and witness has deposed
regarding the assault and abuse and making out a prima facie case,
hence, I do not find it fit to interfere with the order, if the petitioners
may raise issue at the stage of framing of charge that will be
decided on it's own merit and without being prejudice of this order.

With these observations and directions, this
application is **disposed off**.

(Gopal Prasad, J)

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