

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26684 of 2016

Arising Out of PS.Case No. -253 Year- 2015 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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1. Shrawan Kumar Jha
2. Anand Kumar Jha Both are son Late Bhola Kant jha @ Bhola Kant Jha
Both resident of Village-Balha, P.O. Antor P.S. Bahera, Via Benipur,
District Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Ram Bilas Takur son of late Bauka Lal Thakur resident of Village-
Manjhaura, P.S. Bahera, District Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : M/s. Ajay Kumar Thakur, Advocate
Mr. Pravin Kumar, Shashank Shekhar &
Mrs. Kiran Thakur

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**
ORAL ORDER

2 19-08-2016 Heard both sides.

The petitioners have filed this petition under Section 482 of the Cr. P. C. for quashing the order dated 16.04.2016 passed by Sri A. K. Gond, the learned Judicial Magistrate, 1st class, Benipur by which prima facie case under Section 323 and 379 of the IPC is found to proceed against the accused persons.

Sri Ajay Kumar Thakur, the learned counsel for the petitioners, submits that there is admitted enmity between the complainant and petitioners. Allegedly, the complainant had purchased a piece of land from the aunt of the petitioners and for

that there is dispute. There are cases and counter cases between the parties. A Title suit is also pending. It is submitted that in the background of aforesaid facts this case appears to be malicious and vexatious.

It appears that the learned Magistrate, after perusing the evidence of the complainant and his witnesses, found prima facie case under Section 323, 379 of the IPC. At the time of appreciating evidence under Section 204 of the Cr. P. C. the learned Magistrate has only to see the materials available on record and the yardstick of appreciating evidence in order to find out prima facie is also quite different.

Considering the facts aforesaid, I do not find any illegality in the impugned order.

This quashing petition is, accordingly, dismissed.

The petitioners, if so advised, may raise all their points at the time of framing of charge.

(Prabhat Kumar Jha, J)

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