

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10158 of 2016

Arising Out of PS.Case No. -469 Year- 2014 Thana -AGAMKUAN District- PATNA

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Bir Narayan Singh, Son of late Dev Narayan Singh, residing at 3-SFA-4/11,
Bahadurpur Housing Colony, Police Station- Agamkuna, District and town
Patna, State Bihar.

.... Petitioner

Versus

1. The State of Bihar.
2. Upendra Paswan, Son of Narayan, resident of RBI Colony, Bhoothnath
P.S Agamkuan District and town Patna.

.... Opposite Parties

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Appearance:

For the Petitioner/s : Mr. Rajiv Nayan Singh
For the Opposite Party/s : Mr. T.N.Thakur (APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 01-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This application has been filed for quashing the
order of cognizance dated 10.10.2015 passed in Agamkuan P.S.
Case No.469 of 2014 by the Additional Chief Judicial Magistrate,
Patna City for the offence under Sections 341/323/504/506 of the
Indian Penal Code as well as under Section 3(1) (x) of the
Scheduled Castes and Schedules Tribes (Prevention of Atrocities)
Act, 1989.



3. The informant is the neighbour of B.N. Singh-present petitioner. Allegation has been made that the petitioner assaulted the informant and used very filthy abuses against him, which caused mental and physical harm and for that he has approached the Agam Kuan Police Station, Senior Superintendent of Police and S.C./S.T. Commission. When nothing was done, the petitioner lodged this case.

4. Learned counsel for the petitioner submits that after the incident, the Senior Superintendent of Police got the inquiry done by the Inspector rank Officer, who after inquiry found the allegation to be untrue.

5. It appears that the dispute has arisen on account of running of the community hall, which the petitioner used to object. The police has taken preventive measure and called both the parties in the Agam Kuan Police Station.

6. For quashing under Section 482 of the Criminal Procedure Code, yardstick is very limited. *Prima facie* it appears that the offence is made out against the petitioner. However, material shows that there was some personal enmity on account of running of the community hall.

7. At this stage, this Court is not interfering with the order of cognizance. However, the petitioner is at liberty to raise his grievance at the time of submission of charge. The Court below will examine the case and would pass order in accordance with law without being influenced by this order.

8. With the aforesaid observations and directions, this application is dismissed.

(Shivaji Pandey, J)

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