

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10648 of 2016

Arising Out of PS.Case No. -2698 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Santosh Kumar Bhagat
2. Ram Kumar Bhagat
3. Ashok Bhagat
4. Kamal Bhagat
5. Arjun Bhagat
6. Amit Kumar
All are sons of Late Ishwari Bhagat
7. Babulal Sahani Son of Late Lakhan Sahani
All resident of Village- Kakrachak, P.S.- Bochaha, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kishori Sahani, Sonof Late Ballabh Sahani, Resident of Village-
Kakrachak, P.S.- Bochaha, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Dr. Ravindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 22-07-2016

The present application has been filed for quashing the order dated 18.01.2016 passed in Complaint Case No. 2968 of 2012, whereby petitioners' application for discharge under Section 245 Cr.P.C. has been rejected by learned Additional Chief Judicial Magistrate –cum- Sub Judge 10th, Muzaffarpur.

It is submitted by learned counsel for the petitioners that for a civil nature of dispute the accusation has been levelled with ordinate delay.

The impugned order reflects that after finding prima facie case the cognizance was taken under Sections 420, 468, 471 and 120B of the Indian Penal Code. Thereafter the said order was challenged in Criminal Revision No. 135 of 2014 and the same was dismissed. It further transpires that before charge four witnesses were examined and they supported the prosecution case.

In view of this Court an accused can be discharged if upon taking all the evidence referred to in Section 244 Cr.P.C. the Magistrate considers that no case is made out. From the impugned order it appears that learned A.C.J.M. –cum- Sub Judge considered the evidence adduced at the stage of Section 244 Cr.P.C. and has come to a conclusion that the evidence on record does not suggest that no case is made out. Hence, this Court does not find any infirmity in the impugned order.

Hence, this Court is not inclined to interfere. Accordingly, this application is dismissed.

(Dinesh Kumar Singh, J)

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