

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16706 of 2016

Arising Out of PS.Case No. -28 Year- 2012 Thana -PARAIYA District- GAYA

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1. Chamela Devi, W/o Ramashish Singh
2. Amit Kumar @ Bablu, S/o Birendra Singh
3. Ranjit Kumar, S/o Upendra Prasad, All residents of Village- Jamalpur,
P.S.- Paraiya, Distt- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramkrit Prasad, S/o Late Ramdhani Mahto, residents of Village-
Jamalpur, P.S.- Paraiya, Distt- Gaya.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 29-09-2016 Heard Sri Arvind Kumar Singh, learned counsel for the

petitioners and Sri Nawal Kishore Prasad, learned Additional

Public Prosecutor.

Three petitioners have approached this court invoking
its inherent jurisdiction under Section 482 of the Code of Criminal
Procedure , 1973 (hereinafter referred to as “Cr.P.C.”) with a
prayer to quash an order dated 3.10.2015 passed by learned
Judicial Magistrate 1st Class , Gaya (hereinafter referred to as

“Magistrate”) in Paraiya P.S. Case No. 28 of 2012 , G.R. No. 1234 of 2012/ Tr. No. 2543 of 2015. By the said order the learned Magistrate has taken cognizance of offences under Sections 341, 324, 307/ 34 of the Indian Penal Code.

At the very outset learned counsel for the petitioners by way of referring to Annexure -2 to the present petition submits that prior to lodging of the present case petitioner no. 1 had lodged a complaint case against the informant of the present case and others on an allegation of commission of offence under Section 341, 342, 452, 323, 354, 380/ 34 of the Indian Penal Code and Section 3/ 4 of Prevention of Witch (Daain) Craft Practices Act, 1999. He further submits that petitioner no. 1 is an old lady. Falsely petitioners have been implicated due to vengeance. He further submits that injury report does not corroborate the allegation under Section 307 of Indian Penal Code . On aforesaid grounds he makes a prayer for quashing of the impugned order.

However learned Additional Public Prosecutor submits that in the F.I.R. itself there was accusation against petitioners regarding giving ‘farsa’ blow and accusation during investigation was found true and thereafter charge sheet was submitted and the learned Magistrate after receipt of charge sheet has passed order of cognizance.

Besides hearing I have perused the materials available on record. I do not find any ground for interference with the order of cognizance.

The petitions stands dismissed.

(Rakesh Kumar, J)

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