

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20944 of 2014

Arising Out of PS.Case No. -33 Year- 2012 Thana -SC SC PS District- VAISHALI(HAJIPUR)

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Shashi Singh @ Shashi Sekhar Son of Rajendra Prasad Singh Resident of
Mohalla - Chandmari Road, Near Jagdamb College, Police Station -
Mufassil (Chapra), District - Saran at Chapra

.... Petitioner

Versus

1. The State of Bihar
2. Daroga Manjhi Son of Late Mohichan Manjhi Resident of Village -
Jajuli, Police Station - Masrakh, District - Saran at Chapra

.... Opposite Party

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Appearance :

For the Petitioner	:	Mr. Parijat Saurav
		Mr. Ram Binod Singh
For the Opposite Party	:	Mr. Anil Kumar Tiwary
For the State	:	Mr. Mushtaque Alam (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 15-11-2017 Heard learned Counsel for the petitioner as well as the

learned Counsel for the State as also the learned Counsel appearing

on behalf of the Opposite party No. 2.

The petitioner seeks quashing of the order dated
18.07.2013 passed by the Judicial Magistrate, 1st Class, Chapra in
Hajipur (Vaishali) SC/ST PS Case No. 33 of 2012, thereby taking
cognizance of the offence under Sections 341, 323, 406, 420, 504/34
of the IPC and Section 3(I)(X) of the SC/ST Act.

The brief fact giving rise to the case is that the informant
(Opposite party No. 2) purchased a tractor from the agency of the
petitioner and paid Rs. 5,12,000/- in various installments but the
papers relating to the tractor was not handed over. On 6.1.2012 the



informant met the accused in the market and again demanded the tractor's paper then in presence of many persons in the market place petitioner abused naming his caste and assaulted with fists.

Learned Counsel for the petitioner submits that the police after investigation has submitted charge-sheet but if entire allegation is taken into account no offence is disclosed.

There is specific allegation that on account of making demand of papers of the newly purchased tractor by the informant from the petitioner, he was abused, assaulted and insulted by naming his caste in public view at market; so it is not that any offence prima facie is not disclosed in the allegation.

Hence, the application stands dismissed.

(Arun Kumar, J.)

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