

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39569 of 2013

Arising Out of PS.Case No. -695 Year- 2012 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Jagdish Purvey S/O Late Devendra Purvey Resident Of Village Mahra, P.S. Singhia, District Samastipur.
2. Ranjeet Kumar Purvey @ Dablu S/O Jagdish Purvey Resident Of Village Mahra, P.S. Singhia, District Samastipur.
3. Raj Kumar Purvey S/O Jagdish Purvey Resident Of Village Mahra, P.S. Singhia, District Samastipur.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Shivjee Yadav S/O Ram Swarup Yadav Resident Of Village Bara, P.O. Sonsa, P.S. Sighiya, District Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Opposite Party/s : Mr. Ram Anurag Singh (App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

5 01-05-2017 This application filed under Section 482 of the Code of Criminal Procedure is directed against the order dated 09.10.2012 passed in Complaint Case No. 695 of 2012/Tr.No. 2673 of 2012 where under the learned Judicial Magistrate, 1st Class, Rosera, Samastipur summoned the accused- petitioners, on enquiry under Section 204 Cr.P.C. finding prima facie case under Sections 323, 379 and 436 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits that the complainant- opposite party has filed Complaint Case No. 695 of 2012 regarding the occurrence dated



08.07.2012 and she had also lodged Singhiya P.S. Case no. 65 of 2012 under Section 435/34 of the Indian Penal Code on 09.07.2012 for same occurrence in which police has submitted final form against the petitioners finding the case not true and as such the impugned order summoning the accused petitioners in Complaint Case No. 695 of 2012, on enquiry, for offence under Sections 323, 379 and 436 IPC is illegal.

On going through the impugned order it appears that the learned Judicial Magistrate, on enquiry summoned the accused petitioners u/s 204 Cr.P.C. finding, prima facie, case under Sections 323, 379 and 436 of the Indian Penal Code. I do not find any illegality in the impugned order and accordingly this application is dismissed.

However, the petitioners would be at liberty to raise their grievances before the trial court at an appropriate stage under appropriate provisions.

(Rajendra Kumar Mishra, J)

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