

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41633 of 2013

Arising Out of PS.Case No. -388 Year- 2011 Thana -KISHANGANJ District- KISANGANJ

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1. Saiyad Abu Muzaffar Son Of Lat Md. Mohsin, Residing At Line Kishanganj, P.S.-Kishanganj, Dist.-Kishanganj
 2. Sahid Alam, Son Of Januddin, Residing At Mohinddinpur, P.S.-Kishangan, Dist.-Kishanganj
 3. Sanjeev Kumar Suman @ Sanjee Kumar Son Of Late Nand Lal Singh Residing At Bhagal, Kochadhaman, Dist.-Kishanganj
 4. Abdul Barik, Son Of Ayub Ali Resident Of Village - Bhariadugh, Shimalbari, P.S.-Kishanganj, Dist.-Kishanganj
 5. Md. Khairul Son Of Abdul Basi Resident Of Village - Bhariadugh, Shimalbari, P.S.-Kishanganj, Dist.-Kishanganj
 6. Kalu @ Arashal Haque Son Of Abdul Basi Resident Of Village - Bhariadugh, Shimalbari, P.S.-Kishanganj, Dist.-Kishanganj

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 4 02-05-2017 1. The petitioners seek quashing of the order dated 17.04.2012 passed by the learned Chief Judicial Magistrate, Kishananj, in Kishanganj P.S.Case No. 388 of 2011 by which the learned Magistrate took cognizance against the petitioners for the offences under Sections 147, 148, 149, 323, 324, 325, 427, 504, 506 and 379 of the Indian Penal Code and Section 3 (x) of SC/ST Act.
2. Heard learned counsel for the petitioners and the State.



3. On perusal of the records and the case diary it appears that the court below came to the finding that there is sufficient material to take cognizance against the petitioners.

4. Learned counsel for the petitioners has submitted that there is land dispute between the parties and the informant has no concern with the aforesaid land .

5. The court below is only required to see prima facie case at the time of taking cognizance on the basis of allegation made in the fardbeyan and the materials available in the case diary.

6. Therefore, this Court does not find any illegality in the impugned order. Accordingly, this application is dismissed.

7. The petitioners are given liberty to raise all the points, as raised in this Criminal Miscellaneous Application, at the time of framing of charge in the court below which shall be considered and disposed of on its own merits without being prejudiced by this order.

(Sanjay Priya, J)

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