

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21895 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- BHAGALPUR

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1. Ajay Kumar Rajhans, S/o late Chandra Shekher Rajhans, R/o Town Sultanganj, P.S.- Sultanganj, District- Bhagalpur
 2. Kamdeo Yadav, S/o late Sukhdeo Yadav, R/o Kausiki Nath Jha Lane, Champanagar, P.S.- Nathnagar, District- Bhagalpur

.... Petitioners

Versus

1. The State of Bihar
2. Sanjay Kumar Jha, S/o late Janardhan Jha, R/o Kausiki Nath Jha Lane, Champanagar, P.S.- Nathnagar, District- Bhagalpur

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. S. M. Ashraf, Advocate

For the Opposite Parties : Mr. Ajit Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 19-01-2017

This application has been filed under Section 482 of Cr.P.C. for quashing the order dated 28.11.2011 passed by learned Judicial Magistrate-1st Class, Bhagalpur, in Complaint Case No. 140 of 2011.

Heard learned counsel for the petitioners.

Learned counsel for the petitioners has submitted that due to old dispute, in question, the petitioner has falsely been implicated in this case. He was working as a clerk in the college at the relevant time.

Heard learned APP. He has submitted that there is disputed question of fact which cannot be looked into in this quashing



application.

From perusal of the impugned order, it appears that learned Magistrate after looking into the complaint petition and S.A of the complainant and statement of two other witnesses found prima-facie case against these petitioners for the offence under Sections 406,120B of Indian Penal Code.

This court does not find any illegality in the impugned order dated 28.11.2011, passed by learned Judicial Magistrate-1st Class, Bhagalpur, in Complaint Case No. 140 of 2011.

Accordingly this criminal miscellaneous application is dismissed.

However, the petitioners may raise all these points as raised in this application before the lower court at appropriate stage.

(Sanjay Priya, J.)

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