

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53945 of 2013

Arising Out of PS.Case No. -48 Year- 2012 Thana -SC/ST PS District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Nand Lal Rai S/O Late Ganga Rai Resident Of Village Auraiya, P.S. Dhaka, District East Champaran.
 2. Abhilash Rai @ Abhilakh Rai S/O Late Bishun Rai Resident Of Village Auraiya, P.S. Dhaka, District East Champaran.
 3. Kavilash Rai S/O Late Bishun Rai Resident Of Village Auraiya, P.S. Dhaka, District East Champaran.
 4. Ramshreshth Rai S/O Late Bishun Rai Resident Of Village Auraiya, P.S. Dhaka, District East Champaran.
 5. Satyadeo Rai S/O Late Rambrichh Rai Resident Of Village Auraiya, P.S. Dhaka, District East Champaran.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Ram Shankar Das (App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 24-04-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 17.06.2013, passed by the Sub-Divisional Judicial Magistrate, Sikrahna, Motihari, in Trial No. 3388 of 2013, arising out of S.C & S.T. Motihari P.S. Case No. 48 of 2012 registered under Sections 141, 148, 448, 323, 354, 504 of the Indian Penal Code and Sections 3(1)(v)(x)(xi) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act.

From the impugned order, it appears that after submission of charge-sheet, on the basis of materials available in the case diary the Court below has found sufficient material against the accused persons including the petitioners to take



cognizance for the offence under Sections 147, 148, 149, 323, 354, 504, 448 of the Indian Penal Code and Sections 3(1)(v)(x)(xi) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act.

Learned Magistrate is only required to see prima facie case at the time of taking cognizance.

In such circumstance, this Court does not find any illegality in the impugned order dated 17.06.2013, passed by the Sub-Divisional Judicial Magistrate, Sikrahna, Motihari, in Trial No. 3388 of 2013, arising out of S.C & S.T. Motihari P.S. Case No. 48 of 2012 registered under Sections 141, 148, 448, 323, 354, 504 of the Indian Penal Code and Sections 3(1)(v)(x)(xi) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act.

This quashing application is, accordingly dismissed.

The petitioners are at liberty to raise all the points as raised in this petition at the time of framing of charge in the Court below which shall be disposed of in accordance with law on its own merit.

(Sanjay Priya, J)

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