

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37860 of 2014

Arising Out of PS.Case No. -193 Year- 2013 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

- =====
1. Mithilesh Yadav @ Mithilesh Kumar Yadav son of Harihar Yadav
 2. Krishna Kumar Yadav son of Harihar Yadav
 3. Ramnaresh Yadav @ Menjan Yadav son of Harihar Yadav
 4. Harihar Yadav @ Harihar Prasad Yadav son of Late Bahuri Yadav
 5. Kamal Kishor Yadav @ Kamal Kishor @ Shamala Yadav Son of Khasar Yadav
 6. Hari Narayan Yadav son of Khasar Yadav
 7. Binod Yadav Son of Khasar Yadav All are resident of Village Situaha, Police Station Salkhua, District Saharsa.

.... Petitioners

Versus

1. The State of Bihar.
2. Prabhash Yadav son of Late Tanuk Lal Yadav resident of Village - Situaha, P.S. - Salkhua, District - Saharsa.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Satish Kumar Singh
For the Opposite Party : Mr. Ashok Kumar I (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 01-09-2017 Heard learned Counsel for the petitioners as well

as the learned Counsel appearing for the State.

The petitioners seek quashing of the cognizance

order dated 28.10.2013 passed by the Judicial Magistrate,

1st Class, Saharsa in Complaint Case No. 193 (C) of 2013,

thereby taking cognizance of the offence under Sections

323, 427 and 506/34 of the Indian Penal Code.



Learned Counsel for the petitioners submits that prior to the institution of the present complaint case the other side had filed a police case and therefore the present complaint case was filed.

Having considered the said submission the Court finds that it is not the case that the allegations referred in the complaint as well as the materials during enquiry do not make out a case. The defence of the accused cannot be a ground for quashing the criminal proceeding.

This application stands dismissed.

(Arun Kumar, J.)

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