

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49870 of 2014

Arising Out of PS.Case No. -282 Year- 2014 Thana -COMPLAINT CASE District- LAKHISARAI

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1. Mahesh Prasad Gupta Son of Late Tulsi Sah
2. Binay Kumar Son of Jagdish Sah Both are resident of Mohalla - Naya Bazar
(Dalpatti) PO + PS+ Distt. - Lakhisarai.

.... Petitioners

Versus

1. The State of Bihar.
2. Ganesh Kumar son of Yadunandan Prasad Sah resident of Mohalla - Naya Bazar
(Durgi Maharaj Gali), P.S. + P.O. + Distt - Lakhisarai.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 01-11-2017

Heard learned counsel for the petitioners, learned
counsel for the Opposite Party No. 2 and learned Additional
Public Prosecutor representing the State.

The order taking cognizance dated 13.06.2014
passed by the Judicial Magistrate, Lakhisarai in Complaint
Case No. 280-C/2014 for the offences alleged under Sections
420, 467, 468, 471, 457, 380/34 of the Indian Penal Code, is
under challenge in the present application.

Learned counsel for the petitioners submits that
earlier for almost similar allegations a police case was lodged
giving rise to Kabiya (Lakhisarai) P.S. Case No. 298/2013,
and therefore, the present complaint is only a repetition of the



allegations and has been filed for sheer harassment of the petitioners.

On the other hand, learned counsel representing the Opposite Party No. 2 submits that the present complaint has been filed for a different cause of action as it reveals from paragraph Nos. 7 & 8 of the complaint petition. The court is further informed that the petitioners have also filed a complaint case.

I have perused the order taking cognizance and issuance of summon. Learned Judicial Magistrate, 1st Class, Lakhisarai has taken a *prima facie* view after taking note of the allegations and the inputs which came in course of inquiry. No case for interference is made out at this stage. The petitioners, if so advised, may raise all these pleas which are available to him at the time of framing of charge.

This application is dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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