

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37412 of 2013**

Arising Out of PS.Case No. -28 Year- 2011 Thana -SHEOHAR District- SHEOHAR

- =====
1. Shiv Narain Prasad Gupta @ Shiv Narain Sah Son Of Late Chandhari Sah Residents Of Village - Sarsaula - Khurd, P.O. & P.S. - Sheohar, District - Sheohar
  2. Vishwanath Prasad Sah @ Vishwanath Sah Son Of Late Chandhari Sah Residents Of Village - Sarsaula - Khurd, P.O. & P.S. - Sheohar, District - Sheohar
  3. Surya Narain Prasad Surya Narain Prasad@ Surya Narain Sah Residents Of Village - Sarsaula - Khurd, P.O. & P.S. - Sheohar, District - Sheohar

.... .... Petitioner/s

Versus

1. State Of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

ORAL JUDGMENT

**Date: 06-04-2017**

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 15.06.2013, passed by the Judicial Magistrate, 1<sup>st</sup> Class, Sheohar in Sheohar P.S. Case No. 28 of 2011, wherein cognizance has been taken against the petitioners under Sections 323, 504, 34 of the Indian Penal Code.

From the records, it appears that on the basis of complaint filed by the complainant, the case was registered by the



police after receiving the same under Section 156(3) Cr.P.C. The police investigated the case and submitted final form finding the case as civil dispute. Thereafter, the matter proceeded on protest petition and after conducting enquiry under Section 202 Cr.P.C, on the basis of protest-cum-complaint petition, the impugned order has been passed by the learned Magistrate. Learned Magistrate has also mentioned in the impugned order that on the basis of S.A. of the complainant and the statement of the witnesses during enquiry, he found sufficient materials to proceed against the accused/petitioners for the offence under Sections 323, 504/34 of the Indian Penal Code. Learned Magistrate has further mentioned in the impugned order that he does not find sufficient material to proceed against the accused/petitioners for the offence under Sections 307, 329, 467, 468 of the Indian Penal Code.

In this manner, from the impugned order itself, it appears that learned Magistrate has passed the impugned order after proper application of mind on the basis of materials available on the record.

Therefore, this Court does not find any illegality in the impugned order dated 15.06.2013, passed by the Judicial Magistrate, 1<sup>st</sup> Class, Sheohar in Sheohar P.S. Case No. 28 of 2011, wherein cognizance has been taken against the petitioners under



Sections 323, 504, 34 of the Indian Penal Code.

The Trial Court will proceed in the trial in accordance with law.

This quashing application is, accordingly, dismissed.

**(Sanjay Priya, J)**

Shageer/-

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