

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10775 of 2017

Arising Out of PS.Case No. -504 Year- 2015 Thana -BAHERA District- DARBHANGA

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1. Mani Kumari, daughter of Jagannath Jha,
 2. Kundan Kumar alias Bambam @ Ashish Kumar, son of Jagannath Jha,
 3. Raman Devi, wife of Jagannath Jha,
 4. Jagannath Jha, son of Shyam Sundar Jha, All are residents of Village-Tumaul, Police Station- Bahera, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Laxmi Devi, wife of Late Dharam Nath Jha, residents of Village-Tumaul, Police Station- Bahera, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 10-04-2017

Heard learned counsel for the petitioners and

Mr. Akhileshwar Dayal for the State.

The present application has been filed for quashing the order dated 12.04.2016 passed by learned ACJM, Benipur, Darbhanga in Bahera P.S. Case No. 504 of 2015 whereby processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 342, 323,



308, 504 and 506/34 of the Indian Penal Code. The prayer has also been made for quashing the order dated 19.12.2016 passed by learned Sessions Judge, Darbhanga in Criminal Revision No. 315 of 2016 whereby the learned Sessions Judge has upheld the order of issuance of process and cognizance dated 12.04.2016 passed by learned ACJM, Benipur.

It is submitted by learned counsel for the petitioners that in the background of some land dispute the accusation has been levelled. It is further submitted that specific accusation is of making assault to the informant and his son but the statement of the son of the informant has never been recorded under Section 161 Cr.P.C.

Learned counsel for the State submits that the impugned order was passed after finding prima facie case.

It is a settled law that while exercising jurisdiction under Section 190(1)(b) of the Cr.P.C. the Court has only to see whether the accusation constitute a prima facie case. While exercising jurisdiction under Section 190(1)(b) of the Cr.P.C. the court is not required to verify the authenticity of accusation or to weigh the evidence as to whether the material available on record will ultimately lead to the conviction of the accused.



In the circumstances, this Court is not inclined to interfere. However, this application is disposed of with liberty to the petitioners to raise all the contentions at the time of framing of charge, if the charge has not been framed as yet.

(Dinesh Kumar Singh, J)

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