

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36368 of 2013

Arising Out of PS.Case No. -46 Year- 2009 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

=====

1. Baudhu Singh S/O Late Shibu Singh Resident Of Village Beldha, P.S. Warsaliganj, District Nawadah.
2. Bhim Singh S/O Late Mathura Singh Resident Of Village Mai, P.S. Warsaliganj, District Nawadah.
3. Nakul Singh S/O Late Mathura Singh Resident Of Village Mai, P.S. Warsaliganj, District Nawadah.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Tanik Singh S/O Late Rameshwar Singh Resident Of Village Beldha, P.S. Warsaliganj, District Nawadah.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Dinesh Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 03-04-2017 No one is present on behalf of the petitioners. The learned A.P.P. and learned counsel for O.P. No. 2 are present.

The petitioners have challenged the order dated 03.04.2013, passed in Complaint Case No. 46 of 2009, whereby and whereunder cognizance has been taken under Section 365 IPC.

On the basis of F.I.R. Warsaliganj P.S. Case No. 18 of 2006 was registered under Section 364 IPC with allegation that the accused persons have kidnapped the son of the informant for the purpose of killing due to land dispute. The police after completing



investigation submitted final form, finding the case not true but the informant filed protest Complaint Case No. 46 of 2009 and after hearing final form was accepted and protest complaint was enquired into, after completing enquiry cognizance was taken under Section 365 IPC against the petitioners and order was passed for issuing process.

Submission of the petitioners is that due to long standing civil dispute the complainant has kept his son elsewhere and only with a view to put pressure, has filed this criminal case.

After perusal of the impugned order, it reveals that after considering the materials available on the record, during enquiry the learned Magistrate has passed the order which appears quite correct, legal and proper. At this stage the defence of the accused persons cannot be looked into which might be considered at appropriate stage.

In the result, finding no merit in this criminal miscellaneous, the same is hereby dismissed.

(Jitendra Mohan Sharma, J)

sushma/-

U		T	
---	--	---	--

