

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38310 of 2013**

Arising Out of PS.Case No. -125 Year- 2005 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Bharat Singh Son Of Late Banwari Singh Resident Of Mohalla - Bhabua  
Ward No. 19, P.S. - Bhabua, District - Kaimur (Bhabua)

.... .... Petitioner

Versus

1. The State Of Bihar  
2. Usha Devi W/O - Wife Of Lorik Musahar Resident Of Village -  
Navrash, P.S. - Kudra, District - Kaimur (Bhabua)

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Kumar Sunil  
For the Opposite Party/s : Mr. Surendra Pd. Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

3      25-01-2017                      Heard learned counsel for the petitioner and learned  
  
APP for the State.

The petitioner has filed this petition under Section  
482 Cr. P.C. for quashing the order dated 30.07.2013 passed by  
the Chief Judicial Magistrate, Kaimur (Bhabua) in Bhabua P.S.  
Case No. 125 of 2005.

The aforesaid Bhabua P.S. Case No. 125 dated  
26.04.2005 was registered on the basis of fardbeyan of the  
informant. The informant has stated that on 23.04.2005, when  
she along with her brother was going to home, four persons  
surrounded them and started assaulting her brother by branding  
him as thief. They took her brother and confined inside a room



and thereafter, they made her brother traceless. The informant came to know that the said room in which her brother was confined belonged to this petitioner, Bharat Singh. The matter was investigated and police submitted charge-sheet against three persons excluding this petitioner. The learned Chief Judicial Magistrate, however, took cognizance against four persons including this petitioner.

The learned counsel for the petitioner submitted that there is nothing against this petitioner in case diary. The only allegation is that the brother of the informant was concealed in a room allegedly belonging to this petitioner. The said Baithaka belongs to the joint family. None of the witnesses has stated about his complicity in above crime. The learned Chief Judicial Magistrate without applying his judicial mind, passed the order in mechanical way and so it is fit to be quashed.

The learned APP for the State, on the other hand, opposed the submission.

Perused the record and copy of the case diary. This petitioner is named in the F.I.R. and the allegation is that the brother of the informant was intercepted and assaulted by four persons and he was concealed Baithka belonging to this petitioner. After investigation, police submitted charge-sheet



against three persons. The learned Chief Judicial Magistrate after going through the case diary found complicity of this petitioner in concealing the brother of the informant and took cognizance of offence against all the four persons.

Keeping in view of the fact that there were sufficient materials on record to proceed with the case, the Court is of the opinion that the learned Chief Judicial Magistrate has rightly taken cognizance of offence. I do not find any merit in the petition. Accordingly, this petition stands rejected.

However, It is observed that the petitioner is at liberty to raise his grievance before the court below at appropriate stage which shall be considered on merit without being prejudiced by this order.

**(Sanjay Kumar, J)**

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