

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44624 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

- =====
1. Rajeev Ranjan Singh @ Raju Yadav @ Rajeev Ranjan Yadav, Son of Sipahi Singh, Resident of Village- Khetalpur, P.S. Sanjhouli, District- Rohtas
 2. Kamlesh Singh, Son of Laxman Singh, Resident of Village-Motihari, Police Station- Sanjhouli, District- Rohtas

.... Petitioners

Versus

1. The State of Bihar
2. Gopaljee Prasad, Son of Ramautar Ram, Resident of Village-Kazi Tola, Post Office Arrah, District- Bhojpur, posted as Block Agricultural Officer, Sanjhouli, Police Station- Sanjhouli, District- Rohtas

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Prabhkar Jha, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-05-2017

By way of the present application preferred under Section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the order dated 26.04.2012 passed by the learned Sub Divisional Judicial Magistrate, Bikramganj in Sanjhouli P.S. Case No. 36 of 2011 whereby on perusal of police report submitted under Section 173(2) of the Code of Criminal Procedure (for short



‘Cr.P.C.’), the learned Magistrate has found a prima facie case to be made out under Sections 342, 323, 353, 504/34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the petitioners.

2. I have heard learned counsel for the parties and perused the record.

3. It would be evident from the written report dated 15.09. 2011 submitted by the Block Agriculture Officer, Sanjholi to the Officer-in-charge, Sanjhouli police station that a prima facie cognizable offence is made out against the petitioners, the allegations made in the written report pursuant to which the FIR was instituted, were found to be true during investigation by the police.

4. Since on completion of investigation, the police submitted charge-sheet against the petitioners and on perusal of the statements of the witnesses recorded under Section 161(3) of the Cr.P.C. in the case diary and the substance of accusation recorded in the police report submitted under section 173 of the Cr.P.C., the learned Sub Divisional Judicial Magistrate took cognizance of the offences and summoned the petitioners to face trial, I see no illegality in the impugned order passed by the learned Magistrate.

5. Accordingly, the application, being devoid of



any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2017
Transmission Date	09.05.2017

