

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42751 of 2013

Arising Out of PS.Case No. -69 Year- 2008 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

- =====
1. Pradeep Kumar Tamkoria (wrongly mention as Tankoria).
 2. Dilip Kumar Tamkoria (wrongly mention as Tankoria).
 3. Rajesh Kumar Tamkoria (wrongly mention as Tankoria).
 4. Pavan Kumar Tamkoria (wrongly mention as Tankoria).
 5. Krishna Kumar Tamkoria (wrongly mention as Tankoria).
- All sons of Late Narayan Pd. Tamkoria, resident of village- Bakhria, P.S-
Bakhria, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shiv Shanker Sah @ Shiv Shanker Kanu, son of Late Gena @ Geno Sah,
resident of village- Bakhri, P.S- Bakhri, District- Begusarai.

.... 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 RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 22-06-2017

Heard.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 12.11.2012 passed in Complaint Case No.69C of 2008 by the court of the Judicial Magistrate, First Class, Begusarai, summoning the accused-petitioners under Section 204 of the Code of Criminal Procedure, on inquiry, finding prima facie case under Sections 504 and 506 of the Indian Penal Code against them.



3. Learned counsel appearing on behalf of the petitioners submits that it would appear from the complaint petition that the dispute was in between the complainant/opposite party no.2 and one Suresh Agrawal and the only allegation against the petitioners is that they had gone to the house of the complainant/opposite party no.2 and given threatening to him. As such, the impugned order, summoning the accused-petitioners under Section 204 of the Code of Criminal Procedure, on inquiry, finding prima facie case under Sections 504 and 506 of the Indian Penal Code against them, amounts to an abuse of the process of the Court.

4. On going through the impugned order, I find no illegality therein amounting to an abuse of the process of the court for interference with the same in an extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application stands dismissed. However, the petitioners would be at liberty to raise all the points, as raised herein, in the trial court at the appropriate stage.

(Rajendra Kumar Mishra, J)

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