

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50469 of 2013

Arising Out of PS.Case No. -447 Year- 2009 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

- =====
1. Ram Narayan Sao @ Narayan Sao, Son of Late Shyam Lal Sao.
 2. Rakesh Kumar Shashi @ Rakesh Prasad, Son of Sri Narayan Sao.
 3. Mahesh Kumar Shashi @ Mahesh Prasad, Son of Sri Narayan Sao.
- All Resident of Gadhper, P.S.- Bihar, District- Nalanda.

.... Petitioners.

Versus

1. The State of Bihar.
2. Sanju Devi, W/O Sri Rajendra Prasad, R/O Mohalla- Sheikhana (Amber), P.S.- Bihar Town, Bihar Sharif, District- Nalanda.

.... Opposite Parties.

=====

Appearance :

For the Petitioners : Mr.
For the State : Mr.
For the Opposite Party No.2 : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 11-07-2017

Heard.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 12.04.2010 passed in Complaint Case No.447C of 2009, whereby the court of the Judicial Magistrate, First Class, Nalanda at Biharsharif, summoned the 7 accused, named in the complaint petition, including the petitioners, under Section 204 of the Code of Criminal Procedure, on inquiry, finding prima facie case under Sections 323, 354 and 380 of the Indian Penal Code against them.



3. Learned counsel for the petitioners submits that, in fact, there is land dispute in between the complainant/opposite party no.2 Sanju Devi and her sister-in-law (Nanad) Savitri Devi and due to that reasons, the petitioners, who are brother-in-law (Nandosi) and nephews (Bhaginas) of the sister-in-law (Nanad) of the complainant/opposite party no.2, have also been falsely implicated in this case.

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 the Criminal Procedure.

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

(Rajendra Kumar Mishra, J)

P.S./-

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

