

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10432 of 2014

Arising out of PS. Case No.-870 Year- 2012 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Bigeshwar Pd. Singh S/o Ramdeo Mandal
2. Ajit Kumar @ Amit Kumar S/o Bigeswar Pd. Singh Resident of Village-
Adarsh Gram Tikarampur Chandi Asthan, P.S- Moffasil, District-
Munger.

.... Petitioner/s

Versus

1. The State of Bihar
2. Deodhar Mahto S/o Dhanik Mahto Resident of Village- Adarsh Gram
Tikarampur Chandi Asthan, P.S- Moffasil, District- Munger.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ram Bilash Matho, Advocate
Mr. Manoj Kumar Singh, Advocate
Mr. Chandan Kr. Verma, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 16-01-2017 This is petition for quashing cognizance order dated

02.1.2013 passed by learned Judicial Magistrate, 1st Class, Munger
in Complaint Case No. 870C of 2012. Learned Magistrate has
taken cognizance under Section 323 and 427 I.P.C.

Learned counsel appearing on behalf of the
petitioners submits that there is no material for taking cognizance
in this case. The complainant himself has not supported its case in
his statement recorded under solemn affirmation even witness of
the enquiry Gayatri Devi and Nisha Devi, have not stated that
they were assaulted.

The learned counsel appearing on behalf of the State



submits that the allegation is that the accused persons abused, assaulted and damaged the utensils. At the enquiry stage the complainant as well as enquiry witnesses have supported the allegation.

Having considered the rival submissions of both sides, on perusal of the record and materials on record, I find that there is no ground for interfering with the impugned order, as the allegations levelled in the complaint petition as well as the statement of the complainant on solemn affirmation and enquiry witnesses have supported the allegation of assault and mischief, so no ground is made out for setting aside the cognizance order.

Accordingly this quashing petition is dismissed.

(Arun Kumar, J)

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