

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 30665 of 2014

Arising Out of PS.Case No. -155 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Rampari Devi w/o Late Ram Briksh Prasad Yadav
 2. Arbind Kumar @ Arbind Yadav S/o Late Ram Briksh Yadav @ Ram Briksh Prasad Yadav
 3. Ravi Shankar Prasad S/o Late Suresh Prasad
 4. Narayan Prasad S/o Late Lochan Pandit All are residents of Mohalla - Saidpura, P.S. Khagaul, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Darbari Choudhary, Police Inspector - cum - Officer Incharge, Khagaul Police Station, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 19-07-2017

The instant application has been filed for quashing the order dated 02.12.2013 passed in Case No 155 (C-2) of 2013 whereby the learned Magistrate has taken cognizance for the offences under Sections 186 and 189 of Indian Penal Code, Section 34 of Police Act, 1861 and Section 72 of Bihar Police Act, 2007.

2 From perusal of the report (Annexure 1), it is apparent that the ingredients of the offence are made out and there is sufficient material for forming a prima facie opinion by the Magistrate for taking cognizance. The impugned order, therefore, cannot be faulted.



3 Counsel for the petitioners has submitted that the matter is essentially a civil dispute with relation to the land and Title Suit No 251 of 2012 is pending between the parties.

4 The aforesaid submission is noted only to be rejected because this case has been lodged at the instance of the police and, as already noted above, the ingredients of the offence are to be found in the report.

5 This application is misconceived and is, accordingly, dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.07.2017
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