

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31700 of 2014

Arising Out of PS.Case No. -791 Year- 2012 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Anjani Kumar @ Anjani Kumar Sinha Son of Late Ram Lagan Singh
2. Upendra Singh Son of Late Maujelal Singh
3. Bharat Singh Son of Late Devendra Singh
4. Rudal @ Udal Paswan Son of Bhonu Paswan
5. Kailash Paswan Son of Sheoji Paswan
6. Mantoo Paswan Son of Siyaram Paswan All the Petitioner 1 to 6 are resident of
village & P.O.- Niriya Tulsipur, P.S.- Karai Pasrurai, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Sinha Son of Saroj Kumar Sinha resident of village- Tulsipur,
P.O.- Niriya Tulsipur, P.S.- Karai Parsurai, District- Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binit Kumar.
For the Opposite Party/s : Mr. Dashrath Mehta, APP
For the Informant : Mr. Manoj Kumar Sinha.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT
Date: 20-11-2017

Heard learned counsel for the petitioners and the
learned counsel for the State.

2. This application, under Section 482 of the Code of
Criminal Procedure, is directed against the order dated 15.04.2014,
passed in Complaint Case No. 791(C) of 2012, whereby the learned
Judicial Magistrate Ist Class, Hilsa, Nalanda, summoned the accused-
petitioners, on inquiry, under Section 204 of Cr.P.C finding the prima
facie case, under Sections 147, 149, 323 and 504 of the Indian Penal
Code.



3. Learned counsel for the petitioners submits that, in fact, complainant-opposite party no. 2 is the nephew of petitioner no. 1, Ajnaji Kumar Sinha, and due to partition of orchard and land occurrence took place, in which, petitioner no. 1 sustained injury at his eye, regarding which, Karai Parsurai P.S. Case No. 95 of 2012 is also instituted on the basis of written report of petitioner no. 1, who is the uncle of the complainant-opposite party no. 2 against complainant, Manoj Kumar and his mother, Smt. Kanti Devi, but due to that reason only to give undue pressure the present case has been lodged with false allegation against the accused-petitioners.

4. On going through the impugned order, I find no illegality in the impugned order amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application is dismissed. However, the petitioners would be at liberty to raise their defence/points in trial court at the appropriate stage.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

