

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39396 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- NAWADA

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1. Bhola Sao S/O Late Basant Sao Resident Of Village Silari, P.S. - Katrisarai, Dist. - Nalanda.
 2. Pappu Kumar S/O Bhola Sao Resident Of Village Silari, P.S. - Katrisarai, Dist. - Nalanda.
 3. Jitendra Kumar S/O Bhola Sao Resident Of Village Silari, P.S. - Katrisarai, Dist. - Nalanda.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Manoj Kumar Verma S/O Raneshwar Pd. Verma Resident Of Mohalla - Uttar Bazar, Simiri Gali - Warisaliganj, P.S. - Warisaliganj, Dist. - Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Parmanand Pd. Narayan Sahi, Adv.
For the State : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 07-09-2017

1. Heard learned counsel for the petitioners and the State.
2. This application has been filed for quashing the order dated 12-10-2001 passed by Sri Jeevan Lal learned Judicial Magistrate-Ist Class, Nawada in Complaint Case No. 236 of 2010 by which, the learned Magistrate after holding inquiry u/S 202 Cr.P.C. has found prima facie against the petitioners for the offence under Sections-341, 323, and 380 of the Indian Penal Code.
3. It has been submitted that the instant case has been filed just to pressurize the petitioners to compromise the case which has been filed by wife of petitioner No. 1 and mother of petitioner Nos. 2 & 3



vide Warisaliganj P.S. Case No. 174 of 2009 dated 19-11-2009 in which, police after investigation, submitted charge sheet and cognizance has also been taken for the offence under Sections-447, 354, 504/506 of the Indian Penal Code.

4. In the instant complaint case, filed by the complainant, allegation has been made that on the date of occurrence while the complainant along with his wife was returning home after closing his business and reached near Chandi Market, Warisaliganj, all the accused persons surrounded the complainant armed with pistol and also gave threat of dire consequences. They assaulted the complainant and his wife. It is alleged that Bhola Sao took away steel box with clothes and ornaments etc. and petitioner No. 2 Pappu Kumar took away attachee containing cash and other important documents worth Rs. 45,000/- The accused Jitendra Kumar took away television.

5. The lower court record has been called for and the same has been received.

6. From perusal of S.A. of the complainant and statement of five witnesses, this court finds that just on the basis of omnibus statement of the witnesses, the court below in mechanical manner found prima facie case against the petitioners for the offence under Sections-341, 323, and 380 of the Indian Penal Code.

7. Therefore, the impugned order passed by the court below



is not in accordance with law.

9. Accordingly, the impugned order dated 12-10-2001 passed by Sri Jeevan Lal learned Judicial Magistrate-Ist Class, Nawada in Complaint Case No. 236 of 2010 along with entire criminal proceeding against the petitioners is quashed.

10. This Cr. Misc. Application is ***allowed.***

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	24-09-2017
Transmission Date	24-09-2017

