

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2343 of 2015

Arising Out of PS.Case No. -57 Year- 2013 Thana -HARIZAN District- MUNGER

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1. Kuldip Prasad @ Kuldip Mandal Son of Late Chotelal Mandal
2. Dinesh Kumar @ Dinesh Mandal Son of Kuldip Mandal
3. Rupesh Kumar @ Rupesh Mandal Son of Kuldip Mandal All are Resident of village - Laxmanpur, P.S- Jamalpur District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Binay Krishna, Spl. P. P

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 03-03-2017

Heard both sides.

2. The petitioners seek quashing of the order dated 09.02.2014 passed by the learned Additional Chief Judicial Magistrate, Munger in S.C./S.T. P.S. case No. 57 of 2013 whereby the learned Magistrate took cognizance under Sections 341, 323, 379, 354, 504, 506/34 of the IPC and under Section 3(1) (x) (xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

3. The informant alleged in her fard bayan that, while she was cooking food in her house, the named accused persons, including the petitioners, and three unknown persons entered into her house and dragged her out from the house. Rajesh Mandal and Rupesh Mandal



pulled her sari and put her down on the ground. The accused persons assaulted her with fists and slaps and took out a suitcase from the room of her husband. The accused persons also named the informant by her caste and abused her husband and other family members. When the neighbours of the informant came to save her and her family members, the accused persons fled away.

4. The police after investigation submitted charge sheet finding the case true under Sections 341, 323, 379, 354, 504, 506/34 of the IPC and under Section 3(1) (x) (xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. The learned Additional Chief Judicial Magistrate took cognizance of the offence under the aforesaid Sections.

5. Sri Ajit Kumar Singh, the learned counsel for the petitioners, assails the impugned order on the ground that no offence under Section 3(1) (x) (xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out as the occurrence did not take place in full public view. There is land dispute between the parties. The petitioners No.2 and 3 are employees of the railway and they were not present at the place of occurrence but only because the informant and her family members lost civil suit that is why this false case has been lodged.

6. At the time of taking cognizance the learned Magistrate



is to look into the materials collected during the course of investigation. The Investigating Officer submitted charge sheet finding the case true under Sections 341, 323, 379, 354, 504, 506/34 of the IPC and under Section 3(1) (x) (xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act thereupon the learned court below took cognizance. There is no apparent illegality in the impugned order. This quashing petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	N.A.F.R.
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