

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3852 of 2015

Arising Out of PS.Case No. -52 Year- 2013 Thana -AURANGABAD COMPLAINT CASE District -
AURANGABAD

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1. Dilip Singh Son of Late Triveni Singh
2. Shobha Devi W/o Late Dilip Singh
3. Salini Kumari Daughter of Dilip Singh
4. Nikhil Kumar Son of Dilip Singh
5. Shaloni Kumari @ Shakshi Kumari Daughter of Dilip Singh,
6. Anita Kumari Daughter of Dilip Singh
7. Niranjn Singh @ Niranjn Kumar Son of Dilip Singh All resident of village - Renu Bigha, P.S. - Aurangabad (Muffasil), District - Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dawalu Singh @ Saket Singh Son of Bhim Singh, Resident of Village - Renu Bigha, P.S. - Aurangabad (Muffasil), District - Aurangabad (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6

For the Opposite Party/s : Mr. Ram Anurag Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 23-11-2017 Heard learned Counsel for the petitioners as well as the learned Counsel for the State.

This application has been filed for quashing the cognizance order dated 21.10.2014 passed in Complaint Case No. 52 of 2013, thereby taking cognizance of the offence under Sections 323 and 379 of the IPC.

Learned Counsel for the petitioners submits that for the same day of occurrence the petitioner No. 1 had lodged a FIR against the uncle and other family members of the present complainant regarding assault registered under Sections 323, 307 and other



sections of the IPC and they are on enimical terms. A counter case was also lodged by Baidya Nath Singh, uncle of the complainant the next day and even the allegations made in the complaint do not make out a case of assault and theft.

However, considering the allegations levelled in the complaint it is not that the allegations do not make out prima facie offence under which cognizance has been taken and as there is case and counter case between the uncle of the complainant and the petitioners and not with the complainant so on this score the present complaint cannot be considered as malicious in nature.

The application stands dismissed.

(Arun Kumar, J.)

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