

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2304 of 2015

Arising Out of PS.Case No. -14 Year- 2013 Thana -RAJAULI District- NAWADA

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1. Manoj Kumar
2. Subodh Kumar
3. Mithilesh Kumar
4. Chotan Prasad@ Chotan Kumar All sons of Basudeo Prasad Kasera All are Resident of Mohalla Purani Bus Stand,P.O+P.S+Distt.-Nawada
5. Munna Sah @Munna Saw Son of Vishwanath Sah Resident of vill-Govindpur Singhvi,P.S-Mahua,Distt.-Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Mishri Lal S/O Late Bandho Saw Resident of vill-Takua tarh P.S+P.O+Distt.-Nawadah.At present Vishnugarh,Distt.-Hazaribagh

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha
For the Opposite Party/s : Mr. Nityanand(APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 06-03-2017 Heard both sides.

The petitioners have filed this petition for quashing the order dated 4.7.2014 by which the Chief Judicial Magistrate, Nawada took cognizance under Sections 307 and other sections of the Indian Penal Code against the petitioners.

On the basis of fardbeyan of one Mishri Lal, Rajauli P.S. Case No. 14 of 2013 was registered under Section 307 and other Sections of the Indian Penal Code against the petitioners. The police, after investigation, submitted final form finding the case true under Section 307 of the Indian Penal Code against the



petitioners and thereupon the learned Chief Judicial Magistrate, Nawada took cognizance against the petitioners by his order dated 4.7.2014 under Section 307 and other Sections of the Indian Penal Code.

Learned counsel for the petitioners submits that there is a counter version of Rajauli P.S. Case No. 13 of 2014. There was a land dispute between the parties and as such no offence under Section 307 of the Indian Penal Code is made out against the petitioners as there is omnibus and general allegation of assault caused by hard and blunt substance and the injuries are also simple in nature, but I find that at the stage of taking cognizance, the learned Chief Judicial Magistrate has considered the materials available on the record and took cognizance under Section 307 and other Sections of the Indian Penal Code. Therefore, I do not find any illegality in the order impugned.

Accordingly, this quashing petition is dismissed.

The petitioners, if so advised, may raise this point at the time of framing of charge.

(Prabhat Kumar Jha, J)

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