

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40476 of 2014

Arising Out of PS.Case No. -260 Year- 2013 Thana -NAWANGAR District- BUXAR

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1. Ramesh Sah Son of Late Kashi Sah
 2. Shailendra Kumar Singh Son of Bihari Singh
 3. Mriytunjay Singh Son of Bihari Singh
 4. Vishwamitra Singh Son of Late Indra Muni Singh
 5. Prithvinath Singh Son of Bhagwati Singh
 6. Arvind Kumar Singh @ Arvind Singh Son of Late Deo Muni Singh
 7. Rohan Raghav Singh @ Abhishek Singh Son of Shailendra Kumar Singh
 8. Tarchan Sah @ Tara Chand Sah Son of Ramesh Sah
 9. Sandeep Kumar Singh Son of Arvind Kumar Singh
 10. Bhagwati Singh Son of Late Sheo Pujan Singh
 11. Bihari Singh Son of Late Sheo Pujan Singh
 12. Deepak Kumar Singh Son of Hridyanand Singh
 13. Ajit Kumar Singh son of Bhagwati Singh All resident of Village-Athar, P.S.-Navanagar, District-Buxar.

.... Petitioners

Versus

1. The State of Bihar
2. Asha Devi Wife of Vijay Kumar Singh Resident of Village-Athar, P.S.-Nawanagar, District-Buxar.

.... Opposite Party

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Appearance :

For the Petitioners : Dr. Amrendra Kumar
Mr. Manish Kumar
For the Opposite Party/s : Mr. Mustaque Alam(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 06-11-2017 Heard learned Counsel for the petitioners as well as the learned Counsel appearing for the State.

The petitioners seek quashing of the cognizance order dated 7.1.2014 passed by the learned CJM Buxar in Nawanagar PS Case No. 260 of 2013, thereby taking cognizance of the offence under Sections 147, 341, 323, 354 and 504 of the IPC.

Learned Counsel for the petitioners submits that the



petitioners have falsely been implicated as they only protested the encroachment being made by the informant on the public road and the police after investigation only submitted charge-sheet against seven persons and not submitted charge-sheet against six others.

Learned Counsel appearing on behalf of the State submits that there is allegation of assault against the accused persons relating to the land dispute and there is sufficient evidence in the case diary.

Having considered the rival submissions and on perusal of the record, the Court finds that there is no sufficient evidence against Rohan Raghav Singh @ Abhishekh Singh, Tarchan Sah, Sandeep Kumar Singh, Bhagwati Singh, Bihari Singh, Deepak Kumar Singh and Ajit Kumar Singh. So entire criminal proceeding against them inclusive of the cognizance order dated 7.1.2014 is hereby quashed with respect to these petitioners only. As far as the rest other accused persons are concerned, there are sufficient evidence to proceed against them, so their prayer for quashing the criminal proceeding and the cognizance order in the case stands dismissed.

The application stands disposed of.

(Arun Kumar, J.)

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