

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49918 of 2013

Arising Out of PS.Case No. -39 Year- 2013 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

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Amrendra Kumar, Son of Baidnath Prasad Sinha, Resident of- Patel Nagar,
Barbigha, P.S.- Barbigha, District- Sheikhpura

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 13-01-2017 By the impugned order, the learned Sub-Divisional

Judicial Magistrate, Sheikhpura has found prima facie case under

Sections 452 and 380/34 of the Indian Penal Code against the

petitioner in Complaint Case No. 39C of 2013 and has directed

issuance of process to face trial. The same is under challenge.

The contention of the petitioner is that for the same

occurrence, Barbigha P.S. Case No. 164 of 2012 was filed for

offences under Sections 147, 148, 149, 323, 452, 380 and 504 of

the Indian Penal Code as well as under Section 27 of the Arms Act

by the same complainant Jhulan Devi against the petitioner and

others.

The aforesaid case was counterblast to the earlier

case of the petitioner's side vide Barbigha P.S. Case No. 163 of



2012. The Police after investigation submitted final form not sending up the petitioner for trial in Barbigha P.S. Case No. 164 of 2012. Thereafter, on the basis of the protest petition, filed in the case, the same was treated as the complaint case as aforesaid and after examination of three witnesses, impugned order has been passed.

Submission is that the present false case is just to harass and save skin from the counter case.

Since there is no legal bar in proceeding with the protest petition in the event of submission of final form by the Police, the impugned order cannot be faulted for the reason that this is a counterblast case. The defence version can be looked into at the stage of trial. There is no dispute that the complaint petition discloses the ingredients of offences alleged and witnesses examined during enquiry under Section 202 of the Code of Criminal Procedure have supported the allegation.

Next submission of the petitioner is that only interested witnesses have been examined during enquiry under Section 202 of the Code of Criminal Procedure. This issue also cannot be looked into at this stage.

Therefore, this Court is of the view that there is no merit in the grounds raised against the impugned order. As such,



there is no merit in this application.

Accordingly, it stands dismissed.

(Birendra Kumar, J)

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