

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51340 of 2014

Arising Out of PS.Case No. -607 Year- 2011 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

=====

1. Keshave Jha @ Keshav Kr. Jha S/o Ashok Jha Resident of Village Kamalpur,
P.S. Barahat, District Banka at present Hanuman Nagar front of Bajrang Bali
Mandir, P.S. Adampur, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Roshan Kumar Mishra

For the Opposite Party/s : Mr. Awdhesh Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 08-12-2017

Heard the learned counsel for the petitioner and the learned
APP for the State.

This application under Section 482 of the Code of Criminal
Procedure has been filed for quashing the order dated 14.07.2014
passed by the learned Judicial Magistrate, 1st Class, Bhagalpur in
Complaint Case No. 607 of 2011 by which the learned Magistrate
after holding enquiry has found prima facie case against the petitioner
and other accused persons for the offence under Sections 143, 148,
120B, 324 and 385 of the Indian Penal Code.

From the impugned order, this Court finds that the court
below, on the basis of statement of the witnesses recorded after



holding enquiry, S.A. of the complainant and other documents as mentioned in the impugned order, has found prima facie case against the petitioner and other accused persons for the offence under Sections 143, 148, 120B, 324 and 385 of the Indian Penal Code. The court below is only required to see the prima facie case at the time of holding enquiry.

Therefore, this Court does not find any illegality in the order passed by the learned Magistrate. This application is, accordingly, dismissed.

The petitioner is given liberty to raise all the points at the time of framing of charge, which shall be considered and disposed off by the court below in accordance with law without being prejudiced by the order of this Court.

(Sanjay Priya, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2017
Transmission Date	14.12.2017

