

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47197 of 2013

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Ramekwal Sharma @ Ram Ekwval Singh Son of Late Chandradip Sharma, R/O-
Village- Tineri, P.S.- Masaurhi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Abdul Hai Khan S/O Late Safiulla Khan R/O Pandari, P.S.- Dhaka, District-
Motihari, At Present -A.S.I, Masaurhi, P.S., District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 23-06-2017

Heard learned counsel for the petitioner and the State.

2. This petition is filed for quashing of order dated 23.02.2012
passed by the learned Sub Divisional Judicial Magistrate, Masaurhi in
connection with Masaurhi P.S.Case No. 261 of 2011, whereby cognizance
has been taken against the petitioner for offence under Sections 25(1-
b)a/26/35 of the Arms Act and issued summons to face trial in the case.

3. Allegation in brief is that during the course of verification in
the matter of torturing daughter-in-law of the petitioner, the police reached
his house. In the meantime, the police, on secret information, recovered one
country made pistol and 10 live cartridges and a single barrel country made
rifle in presence of Shashi Shankar @ Pappu Kumar but the petitioner
succeeded in escaping away.

4. Learned counsel for the petitioner submits that in fact the
daughter-in-law of the petitioner lodged Masaurhi P.S.Case No. 260 of



2011 under Sections 498A and 323/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act against the petitioner and her husband on the same day on which day the present case was lodged being Masaurhi P.S.Case No. 261 of 2011 and her brother, who is a Civil Court employee got him implicated falsely in this case, whereas petitioner is the father-in-law of Prabha Devi and he was posted at Animal Hospital Baliari, which is 30 K.M away from the village and there is partition between the father and the son.

5. Learned A.P.P. opposes the prayer and submits that there is sufficient material collected during the course of investigation. The police, on secret information, searched the house of the petitioner and recovered one country made gun and one country made pistol with 10 live cartridges and recovery is made from the house of the petitioner, and after finding sufficient evidence, the police submitted charge sheet thereafter cognizance has been taken.

6. The points raised by the learned counsel for the petitioner is not tenable in law for consideration of interfering with the cognizance order or defence of the accused cannot be considered at this stage. So this quashing petition is dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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