

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21302 of 2014

Arising Out of PS.Case No. -969 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Randhir Kumar Son of Ram Adhar Singh Resident of Village Ajwan, P.S-
Naubatpur, Distt- Patna.
 2. Santosh Kumar @ Santosh Mahto Son of Suresh Mahto Resident of Village
Ajwan, Mathiapar, P.S- Naubatpur, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash Kumar @ Prakash Yadav Son of Sri Jamuna Prasad Resident of
Village- Balathakur, PS- Naubatpur, Distt- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Jha, Adv

For the State : Mr. Abhay Kumar 1, APP

For the Opposite Party/s : Mr. Ranvijay Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 28-06-2017

Heard learned counsel for the petitioner, learned counsel for
the State as well as learned counsel appearing for Opposite Party No.

2.

This quashing petition under Section 482 of the Cr.P.C has
been filed for quashing the order dated 16.01.2014, passed by the
learned Judicial Magistrate, 1st Class, Danapur in Complaint Case
No. 969(C) of 2012, by which the learned court below has rejected



the petition filed by the petitioners under Section 245 of the Code of Criminal Procedure for their discharge.

The complainant-opposite party no. 2 filed a complaint petition before the Additional Chief Judicial Magistrate, 1st Class, Danapur giving rise to Complaint Case No. 969(C) of 2012 inter alia alleging that when he was returning after collecting commission from Sahara India branch by cycle along with Pintu Kumar and when they reached at the place of occurrence then the accused Randhir Kumar fired upon them but the bullet did not hit them and on account of that they fell from the cycle. When they fell down accused persons assaulted them and threatened to give all the money in their possession otherwise they will be killed and thereafter the accused persons snatched golden locket, wrist watch, cash and broke the cycle of the petitioner. The accused persons also threatened the petitioners that they will have to pay rangdari tax each month. On the basis of complaint petition, the court took cognizance of the offence and summons were issued to the accused-petitioners and thereafter the accused petitioners appeared in the court below.

From the records of the case, it appears that four witnesses were examined on behalf of the complainant at pre-charge stage and the case was fixed for framing of charge. A petition was filed on behalf of the accused petitioners under Section 245 of the Cr.P.C for



their discharge as from the materials available on record and deposition of witnesses on behalf of the complainant, no case for trial was made out and as such the accused- petitioners should be discharged and their petition filed under Section 245 of the Cr.P.C may be allowed.

Considering the materials available on record, the court below found sufficient materials for framing of charge against the accused-petitioners and as such the petition filed by accused-petitioners under Section 245 of the Cr.P.C was dismissed.

After hearing the parties and going through the order passed by the learned court below, I do not find any illegality or infirmity in the same. As such the present petition filed under Section 482 of the Cr.P.C is, hereby, dismissed.

(S. Kumar, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.07.2017
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