

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30964 of 2014

Arising Out of PS.Case No. -48 Year- 1998 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Dastgir @ Sagir Son of Ali Ahmad
2. Md. Alamgir @ Alamgir Son of Ali Ahmad Both are resident of village-
Mauza Pipra, Police Station- Manjhagarh, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Mahmood Alam Son of Late Sheikh Gafoor Resident of village- Nawada
Rajokhar, Police Station- Gopalganj, District- Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-08-2017

This application has been filed for quashing the order dated 21.02.1998 issuing process for the offences under Sections 147, 323 and 379 of the Indian Penal Code by the Sub-Divisional Judicial Magistrate, Gopalganj in Case No. 48 of 1998, Tr. No. 350 of 2011.

Counsel for the petitioners submits that it is quite improbable that father and son shall join in such offence. He further submits that the informant and the accused persons are known to each other and that the criminal case has been filed on extraneous consideration.

Perusal of the complaint shows that prima facie there



was sufficient material before the Court below for issuing process against the accused persons.

Hence, this court finds no scope for interference with the impugned order dated 21.02.1998 passed by the Court of Sub-Divisional Judicial Magistrate, Gopalganj in Case No. 48 of 1998, Tr. No. 350 of 2011. However, it would be open to the petitioner to raise his points and grievances at the appropriate stage during course of Trial.

In view of the aforesaid, this application stands disposed off.

(Madhuresh Prasad, J)

Prakash/-

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