

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53430 of 2013

Arising Out of PS.Case No. -150 Year- 2013 Thana -NARPATGANJ District- ARRARIA

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1. Parwati Murmu Wife Of Sri Priya @ Pawan Soren R/O Village-Pulha,
P.S.-Narpatganj, District-Araria

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mallik Hembram Son Of Talu Hembram R/O Village-Chakardaha
Santhali Tola, P.S.-Narpatganj, Distt-Araria
3. Rina Devi @ Chapnabhara Tuddu Wife Of Mallik Hembram R/O
Village-Chakardaha Santhali Tola, P.S.-Narpatganj, Distt-Araria
4. Chhote Lal Soren Son Of Late Pradhan Soren R/O Village-Pulha, P.S.-
Narpatganj, District-Araria
5. Chandan Tuddu Son Of Sri Laxman Tuddu R/O Village-Pulha, P.S.-
Narpatganj, District-Araria
6. Baijnath Tuddu So Of Sri Laxman Tuddu R/O Village-Pulha, P.S.-
Narpatganj, District-Araria
7. Gurudeo Tuddu Son Of Late Pradhan Tuddu R/O Village-Pulha, P.S.-
Narpatganj, District-Araria
8. Bhinauti Devi Wife Of Chhote Lal Soren R/O Village-Pulha, P.S.-
Narpatganj, District-Araria
9. Bharti Devi D/O Laxman Tuddu R/O Village-Pulha, P.S.-Narpatganj,
District-Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana
For the Opposite Party/s : Mr. Anil Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-02-2017 Heard the parties.

Petitioners seek quashing of the order dated 13.09.2013
passed by learned Chief Judicial Magistrate, Araria in G.R. No.
1154 of 2013 arising out of Narpatganj P.S. Case No. 150 of 2013,
by which he has exonerated five accused persons, namely, Rina



Devi, Chhotelal Soren, Gurudeo Tuddu, Bhinauti Devi and Bharti Devi and has taken cognizance only against three accused persons, namely, Malik Hembram, Chandan Tuddu and Baijnath Tuddu and that too only under Sections 447, 435/34 of the Indian Penal Code and not under Sections 436, 379 of Indian Penal Code.

It appears from the perusal of the record that the petitioner filed a Complaint Case bearing No. 1358 of 2013, before the Court of learned Chief Judicial Magistrate, Araria alleging that all the opposite parties –accused persons, came to his house variously armed and assaulted the petitioner and further they set on fire the petitioner's house and on protest being made all the accused persons assaulted the petitioner by fists and slap and snatched her silver ornament worth Rs. 3000/-.

On the basis of the aforesaid occurrence, Narpatganj P.S. Case No. 150 of 2013, came to be registered under Sections 341, 323, 354, 427, 436, 379, 504, 506/34 of the Indian Penal Code against the opposite parties-accused persons.

It further appears that the police after investigation submitted charge-sheet only against the opposite parties, namely, Malik Hembram, Chandan Tuddu and Baijnath Tuddu under the bailable Sections i.e. 447, 435/34 of the Indian Penal Code and



not found the allegations true against the rest five accused persons, namely, Rina Devi, Chhotelal Soren, Gurudeo Tuddu, Bhinauti Devi and Bharti Devi and the learned Magistrate, on the basis of which, taken cognizance only against the accused persons, namely, Malik Hembram, Chandan Tuddu and Baijnath Tuddu and bailable Section and not taken cognizance against the rest of the accused persons.

Heard learned counsel for State and learned counsel appearing on behalf of petitioner.

So far taking cognizance only under bailable Sections of Indian Penal Code against the accused persons, namely, Malik Hembram, Chandan Tuddu and Baijnath Tuddu and not taking cognizance against other accused persons, namely, Rina Devi, Chhotelal Soren, Gurudeo Tuddu, Bhinauti Devi and Bharti Devi are concerned, it is always there that whenever, the materials come against the above three accused persons, he may move for framing of charge under other Sections of Indian Penal Code also and similarly if the materials come during the course of investigation against other accused persons, namely, Rina Devi, Chhotelal Soren, Gurudeo Tuddu, Bhinauti Devi and Bharti Devi, there is always a chance to the petitioner for making prayer for issuance of



summons against them as there are provisions under Code of Criminal Procedure for the same.

As such I do not find any merit in the present application, the same is hereby dismissed.

(Vinod Kumar Sinha, J)

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