

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43754 of 2014

Arising Out of PS.Case No. -736 Year- 2013 Thana -KHAGARIA District- KHAGARIA

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1. Nathuni Paswan S/O Late Sarilal Paswan R/O Vill- Labhgaon, P.S.- Gangaur, District- Khagaria.
 2. Sanjay Paswan @ Sanjay Kumar S/O Nathuni Paswan R/O Vill- Labhgaon, P.S.- Gangaur, District- Khagaria.
 3. Manoj Paswan @ Manoj Kumar Paswan S/O Raghunandan Paswan R/O Vill- Parwaltola, P.S.- Balia, District- Begusarai.

.... Petitioners

Versus

1. The State of Bihar
2. Renu Kumari D/O Late Mahendra Chaudhary At present R/O Govt. Quarter, Primary Health Centre, Near Sadar Hospital, P.S.- Chitragupt Nagar, District- Khagaria.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rajesh Sinha

For the Opposite Party/s : Mr. Md. Mustaque Alam (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 09-10-2017 Heard learned Counsel for the petitioners and the learned Counsel for the State.

The petitioner seeks quashing of the order dated 14.2.2014 passed by the learned CJM Khagaria in Khagaria (Chitragupt Nagar) PS Case No. 736 of 2013, whereby cognizance of the offence under Sections 341, 323, 448, 337, 504 and 506/34 of the IPC has been taken.

Learned Counsel for the petitioner submits that the informant of the present case had earlier lodged a case under Section 498A of the IPC alleging that she is wife of Nathuni



Paswan though he was already married and that the case is subjudice in the Court of CJM Khagaria, after filing of the charge sheet by the Police. It is also submitted that Gulabi Devi, wife of Nathuni Paswan, has lodged a case against the informant of the present case and has claimed herself as his wife in order to procure a scheduled caste certificate for getting employment.

However, considering the allegations leveled in the FIR as well as the police also submitted charge sheet in the matter, the protest raised on behalf of the petitioner comes in the realm of defence which can only be looked into at the trial stage. So far interference with the cognizance order is concerned, there is no ground for the same.

So this application stands dismissed.

(Arun Kumar, J.)

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