

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38995 of 2014

Arising Out of PS.Case No. -89 Year- 2013 Thana -KATEYA District- GOPALGANJ

- =====
1. Satish Chandra Dwivedi
 2. Subhash Chandra Dwivedi Both S/o Brinda Prasad Dwivedi
 3. Sarika Kumari
 4. Tulika Kumari Both D/o Satish Chandra Dwivedi
 5. Sunita Devi @ Sutina Devi D/o Subhash Chandra Dwivedi All Resident of Village Banarha, P.S. Kateya, District Gopalganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ranjeet Kumar Pandey

For the Opposite Party : Mr. Ram Shankar Das (Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 29-11-2017 Heard learned Counsel for the petitioners as well as the learned Counsel for the State.

The petitioners seek quashing of the entire criminal proceeding including the cognizance order dated 28.1.2014 passed in Kateya PS Case No. 89 of 2013 by the Special Court of SC & ST Act, thereby taking cognizance of the offence under Section 504/34 of the IPC and Section 3(I)(X) of the Scheduled Castes and Scheduled Castes (Prevention of Atrocities) Act.

Learned Counsel for the petitioners submits that the criminal prosecution is malicious in nature, because of the land dispute between the parties this false allegation has been leveled. On the same day a case was also instituted by the petitioners side so there is case



and counter case between the parties.

Having considered the rival submissions the present case cannot be considered malicious in nature only because there is case and counter case between the parties. It is not the case that allegations do not disclose such offences.

So finding no ground for interference with the cognizance order the application stands dismissed.

(Arun Kumar, J.)

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