# IN THE HIGH COURT OF JUDICATURE AT PATNA

**Criminal Miscellaneous No.47727 of 2014**

Arising Out of PS.Case No. -159 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District-BEGUSARAI

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Mufti Md. Khalid Hussain @ Md. Muftikhalid Son of Md. Dilewar Hussain Resident of Mohalla - Harakh, Ward No. 12, P.S. Town , District - Begusarai.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Chitto Sah Son of Late Jahir Sah Resident of Mohalla - Near Jama Masjid, Ward no. 30, P.S. Town, District - Begusarai.

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate.
For the Opposite Party/s : Mr. (APP).

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

**Date: 16-10-2017**

Heard learned counsel for the petitioner and learned A.P.P. for the State.

It appears that by the impugned order learned Magistrate has taken cognizance for the offences under Sections 147, 323, 341, 295, 297 and 149 of the Indian Penal Code and the petitioner is one of the accused who has been summoned in the present case.

Learned counsel for the petitioner submits that the allegations are false as there is a land dispute and the complainant has already lost the said dispute.

This Court has perused the complaint petition and the deposition of the enquiry witnesses. There are as many as six enquiry

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witnesses in this case. The complaint petition, the statement on solemn affirmation and the deposition of the enquiry witnesses taken together are making a *prima facie* case, therefore, no illegality or infirmity may be found in the impugned order.

The application is dismissed.

**(Rajeev Ranjan Prasad, J)**

Dilip, AR

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