

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21395 of 2014

Arising Out of PS.Case No. -2792 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

- =====
1. Abdul Shakur @ Md. Shakur Son of Late Pir Mohammad
 2. Aabid Hussain @ Md. Aabid Hussain Son of Safique Hussain
 3. Md. Asgar Son of Sk. Halim
 4. Md. Parwez Son of Md. Mohsin All are resident of Moresundri, P.S- Falka,
District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir, Adv
For the State : Mr. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 19-07-2017

Heard learned counsel for the parties.

The present quashing application under Section 482 of the Cr.P.C has been filed for quashing the order dated 02.04.2014 passed in C.A. No. 2792 of 2013 by Deepak Kumar, learned Judicial Magistrate, 1st Class, Katihar, by which the court had taken cognizance under Sections 323 and 385 of the Indian Penal Code against the petitioners.



Briefly stated, the facts of this case as stated by the Opposite Party No. 2 is that on 06.08.2012 at about 11 am while he was returning to his house accused persons caught him and demanded ransom, but on account of his raising alarm, local people gathered and accused fled away. Thereafter the Opposite Party No. 2 lodged an FIR giving rise to Katihar Sahek P.S. Case No. 572 of 2012, and after investigation, police submitted final form on 30.11.2012. The Opposite Party No. 2 filed a protest petition against the submission of final form by the police and thereafter the learned Judicial Magistrate, 1st Class, took cognizance against the petitioners on the protest petition. It has been further submitted by the petitioners that the present case is a counter blast of Korha P.S. Case No. 382 of 2012 in which the Opposite Party No. 2, has been made accused. In support of his complaint case, Opposite Party No. 2 was examined on S.A. and thereafter witnesses have also supported the complaint case of the complainant and on the basis of materials available on record, and examination of complainant and deposition of witnesses, the court found prima facie case made out against the petitioners under Sections 323 and 385 of the Indian Penal Code and took cognizance.

After hearing the parties and going through the order passed by the learned courts below, I do not find any error, illegality or infirmity in the same requiring any interference by this Court, as



such the present petition filed under Section 482 of the Cr.P.C is,
dismissed.

(S. Kumar, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.07.2017
Transmission Date	24.07.2017

