

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18466 of 2014

Arising Out of PS.Case No. -44 Year- 2013 Thana -ATHMALGOLA District- PATNA

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Avinash Kumar Singh @ Avinash Kumar Son of Late Shivnandan Singh Resident
of Tola Babu Mohan Singh, P.S- Athmalgola, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Om Shankar Kumar @ Poly Singh Son of Late Raghubansh Prasad Singh
resident of Tola Babu Mohan Singh, P.S- Athmalgola, Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Manoj Kumar Pandey, Advocate
For the State	:	Mr. Shailendra Kumar-1, APP
For O.P. No.2	:	Mr. Tej Narayan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 08-09-2017

Heard learned counsel for the petitioner, learned APP for
the State as well as learned counsel appearing on behalf of opposite
party no.2

2. This application has been filed for quashing order
dated 01.04.2014, passed by A.C.J.M., Barh in Athmalgola P.S. Case
No.44 of 2013 whereby he has taken cognizance of the offence under
Sections 341, 323, 324 and 504 of the Indian Penal Code.

3. A short fact, as stated in the *fardbeyan* of the
informant, is that when the informant was going to his shop and
reached in front of the house of the petitioner, all accused persons
including the petitioner variously armed surrounded him and assaulted
with sword and this petitioner is alleged to have assaulted with butt of
the pistol and also snatched away his golden chain.



4. Learned counsel for the petitioner submits that there is no specific allegation against the petitioner and the police not sent him for trial after conclusion of the investigation.

5. Contrary to that, learned counsel appearing on behalf of opposite party no.2 submits that there is specific allegation that this petitioner also assaulted the informant with butt of the pistol, number of injuries was caused to the informant and he was referred to the hospital for treatment.

6. Having considered rival submissions and on perusal of the record of the case, there is allegation against the petitioner also, so there is no ground for setting aside the cognizance order.

7. The application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2017
Transmission Date	11.09.2017

