

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54270 of 2013

Arising Out of PS.Case No. -137 Year- 2013 Thana -KHAGARIA District- KHAGARIA

- =====
1. Diwakar Rai, s/o Bacchu Rai @ Nand Kishore Rai
 2. Sunil Rai, s/o late Kamdeo Rai
 3. Rahul Rai, s/o Sunil Rai

All resident of village Sansarpur, P.S. Muffasil, Khagaria, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanjeev Rai @ Buchuk Rai, s/o late Janardan Rai, resident of village Sansarpur, P.S. Muffasil, Khagaria, District Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 19-05-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing the order dated 17.9.2013 passed by the learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria Muffasil P.S. Case No. 137 of 2013, G.R. No. 440 of 2013 by which the learned Magistrate took cognizance against the petitioners and six other accused persons for the offences under Sections 147, 149, 341, 323, 504 and 506 of the Indian Penal Code.

2. Earlier this case was listed for admission on 10.5.2017 but no one appeared on behalf of the petitioners on that day and hence the case was again listed on 12.5.2017 as a last chance under the same heading

3. Today, also none has appeared on behalf of the petitioners.

4. From the impugned order, it appears that learned Magistrate after submission of charge sheet and allegation in the written report took cognizance against the petitioners and six other accused persons



for the offences under Sections 147, 149, 341, 323, 504 and 506 of the Indian Penal Code. The learned Magistrate has mentioned in the impugned order that there is sufficient materials in the case diary to make out *prima facie* case against the petitioners and other accused persons for the aforesaid Sections.

5. It is well settled that learned Magistrate is only required to see the *prima facie* case at the time of taking cognizance.

6. Therefore, this Court does not find any illegality in the impugned order dated 17.9.2013 passed by the learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria Muffasil P.S. Case No. 137 of 2013, G.R. No. 440 of 2013 by which the learned Magistrate took cognizance against the petitioners and other accused persons for the offence under Sections 147, 149, 341, 323, 504 and 506 of the Indian Penal Code.

7. This Criminal Miscellaneous application is accordingly dismissed.

8. The trial court will proceed in the trial in accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.05.2017
Transmission Date	26.05.2017

