

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15346 of 2013

Arising Out of PS.Case No. -101 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Ram Prawesh Yadav S/O Ramakant Prasad Resident Of Village Hiranchak, P.S. Dhanarua, District Patna.
 2. Ramakant Prasad S/O Late Sakaldeep Yadav Resident Of Village Hiranchak, P.S. Dhanarua, District Patna.
 3. Smt. Kunti Devi W/O Ramakant Prasad Resident Of Village Hiranchak, P.S. Dhanarua, District Patna.

.... Petitioners

Versus

The State Of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha,
For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

6 10-02-2017 Heard.

This application is filed under Section 482 of Cr.P.C. against the order dated 24.09.2012 passed in Complaint Case No. 101 (C) of 2012, whereunder the Judicial Magistrate, 1st Class at Masaurhi, on inquiry under Section 202 Cr.P.C., summoned the accused petitioner finding prima facie case under Sections 323, 504, 379 and 341 of the Indian Penal Code.

Learned counsel for the petitioner submits that, in fact, Dhanarua P.S. Case No. 107 of 2012 was instituted on 04.04.2012 for the offence under Sections 448, 341, 323, 379 and 504/34 against O.P. No. 2 and witness Naresh regarding the occurrence dated 04.04.2012. In retaliation to the said case the O.P. No.2 filed the present case regarding the occurrence of same day.



On going through the impugned order it appears that the learned Judicial Magistrate on perusal of complaint petition, S.A. of complainant and statement of witnesses arrived at the conclusion that prima facie case is made out under Sections 323, 504, 379 and 341 of the Indian Penal Code, I do not find any illegality amounting to abuse of process of Court for interference in extraordinary jurisdiction under Section 482 Cr.P.C. Accordingly, this application is dismissed. However, the petitioner is at liberty to raise his grievance before the trial Court at appropriate stage.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

