

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40463 of 2013

Arising Out of PS.Case No. -1777 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

- =====
1. Nand Kumar Bhagat Son of Late Tej Narayan Bhagat R/O Village-Jageshwarpur, P.S.-Kahalgaon, Distt-Bhagalpur
 2. Neeraj Kumar Jaiswal Son Of Sri Nand Kumar Bhagat R/O Village-Jageshwarpur, P.S.-Kahalgaon, Distt-Bhagalpur

.... Petitioners

Versus

1. The State Of Bihar
2. Jai Kumar Bhagat Son Of Late Tej Narayan Bhagat R/O Village-Jageshwarpur, P.S.-Kahalgaon, Distt-Bhagalpur

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the O.P. : Mr. Dr. Manoj Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 22-06-2017

This quashing petition is directed against the order dated 4.5.2014 passed in Complaint Case No.C-1777 of 2012 by Mr. Anwar Shamim, Judicial Magistrate Ist Class, Bhagalpur whereby he has taken cognizance of the offence under Sections 341, 323, 504/34 of Indian Penal Code.

2. Learned counsel for the petitioners submits that the complainant and accused are full brothers and there is land dispute between both sides so in order to put pressure this false case was lodged moreover allegations levelled in the complaint do not constitute any offence.



3. Learned A.P.P. and learned counsel appearing on behalf of opposite party no.2 submit that due to previous enmity this occurrence was committed by petitioners and witnesses of the occurrence during enquiry have supported the allegation.

4. I perused the complaint petition and the materials on record though on account of property dispute civil as well as criminal litigations are going on between the parties so enmity cuts both ways so on the premise it cannot be conclusively held that present allegation is false and fabricated or malicious in nature however, the allegations levelled in the complaint do constitute prima face offence of assault and theft and it is not challenged that the enquiry witnesses have not supported it so there is no ground for interfere with the impugned order

5. This quashing petition stands dismissed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14-07-2017
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