

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6551 of 2016

Arising Out of PS.Case No. -236 Year- 2015 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Saroj Devi Wife of Late Hare Ram Singh,
2. Amit Kumar, Son of Late Hare Ram Singh,
3. Ankit Kumar, Son of Late Hare Ram Singh, All residents of village -
Panchmahala, Manjhaul, Panchayat No. 2, P.S. - Cheriya Bariyarpur,
District - Begusarai.
4. Ram Kumar Singh, Son of Birendra Singh, Resident of Village -
Nayagaon, P.S. - Nayagaon, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramasish Prasad Singh, Son of Ram Sevak Singh, Resident of Village -
Satyara Chowk, Manjhaul, P.S. - Cheriya Bariyarpur, District -
Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Harendra Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 11-04-2017

Heard learned counsel for the petitioners,

opposite party no. 2 and Mr. J.N. Thakur for the State.

The present application has been filed for
quashing the order dated 04.01.2016 passed by learned Additional
Chief Judicial Magistrate, Manjhaul in Complaint Case No. 236C



of 2015 whereby processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 341, 384, 392 and 354B of the Indian Penal Code.

Learned counsel for the petitioners submits that the accusation has been levelled in the background of serious litigated relationship and property dispute as gets reflected from the documents contained in Annexure-3 which suggests series of cases lodged by the complainant side and in most of the cases the witnesses are common. Moreover, Title Suit No. 186 of 1988 is pending between the parties. The petitioners and the complainant belong to the same family.

Learned counsel for the complainant submits that three witnesses have already been examined at pre-charge level.

Considering the present stage of the case, this Court is not inclined to interfere. Hence, this application is disposed of with liberty to the petitioners to raise all the contentions at the time of framing of charge, if the charge has not been framed as yet.

It is made clear that this Court has not expressed any opinion on the merit of the case.

It is expected from the learned trial court to



consider the discharge application of the petitioners in view of the fact that, prima facie, the accusation has been levelled in the background of serious property dispute between the parties.

(Dinesh Kumar Singh, J)

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