

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44390 of 2014

Arising Out of PS.Case No. -689 Year- 2013 Thana -MADHEPURA District- MADHEPURA

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1. Rahul Kumar Son of Anil Yadav
 2. Hare Krishna Yadav, age about 40 years, Son of Late Chandra Nath Yadav
 3. Anil Yadav @ Anil Kumar, age about 50 years, Son of Late Nawal Kishore Yadav

All are R/o Village Ithari, P.S. Madhepura (Ghailardh), District Madhepura

.... Petitioner/s

Versus

1. The State of Bihar, Through The Secretary of Home Department Patna
2. The Superintendent of Police, Madhepura
3. The Thana Incharge of P.S. Ghailardh Madhepura
4. The I.O. of said case (SDPO Madhepura)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Jha

For the Opposite Party/s : Mr. Ram Naresh Rai, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 15-09-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the F.I.R of Madhepura (Ghailarh) P.S. Case No. 689 of 2013 as well as order dated 31.07.2014 passed by the learned Chief Judicial Magistrate, Madhepura whereby and whereunder the learned Magistrate finding prima facie case for the offence under Sections 447, 341, 323, 325, 427, 504 and 506/ 34 of the Indian Penal Code and Section 3(1)(X) of the SC/ST Act, summoned the petitioners.

2. Heard both sides.



3. The informant of above police case is school peon and he has alleged that on 27.11.2013, these petitioners came and assaulted him by bamboo. They abused him by naming his caste in public view. On the basis of the said F.I.R, police investigated the matter and submitted charge-sheet. The learned Magistrate accordingly took cognizance under the aforesaid sections.

4. On perusal of F.I.R. and documents on record, I find that all the petitioners are named in F.I.R. with specific allegation that they assaulted and abused the informant by naming his caste in public view. The matter was investigated and police submitted charge-sheet against the petitioners for the offence under Sections 447, 341, 323, 325, 427, 504 and 506/34 and Section 3(1)(X) of the SC/ST (Prevention of Atrocities) Act. The learned Magistrate after perusing the case diary and materials on record took cognizance under the aforesaid sections. The defence of the petitioners that the present case has been lodged at the instance of their enemy for land dispute cannot be taken into consideration at this stage. In this view of the matter, I do not find any merit in the submission of the petitioners.

5. This criminal miscellaneous application is devoid of



merit and is accordingly dismissed.

(Sanjay Kumar, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2017
Transmission Date	19.09.2017

