

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2596 of 2016

Arising Out of PS.Case No. -253 Year- 2014 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

- =====
1. Ashok Kumar Yadav Son of Late Ganauri Yadav,
 2. Anita Raj @ Manju Devi, Wife of Ashok Kumar Yadav,
 3. Jitendra Kumar @ Rajesh Ranjan, Son of Bhola Prasad Yadav,
 4. Guriya Devi, Wife of Jitendra Kumar @ Rajesh Ranjan,
- All residents of Bari Pahari, Police Station - Laheri, District - Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vidya Sagar

For the Opposite Party/s : Mr. Ram Chandra Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 26-04-2017

Heard learned counsel for the petitioners and

Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for quashing the order dated 04.08.2015 passed by learned Judicial Magistrate, Ist Class, Biharsharif, Nalanda in Laheri P.S. Case No. 253 of 2014, whereby process has been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 323, 504 and 509/34 of the Indian Penal Code.



The prosecution case is that on 22.10.2014 at 8.00 A.M. the petitioners and six unknown persons entered into the house of the informant, assaulted her, outraged her modesty and pelted stones causing injury to the informant.

It is submitted by learned counsel for the petitioners that for the occurrence of 22.10.2014 at 8.00 A.M. the F.I.R. was registered on 23.11.2014 and there is no explanation for such delayed lodging of FIR. Prior to the lodging of the present case, the informant has filed a petition on 03.11.2014 before the SDM, Biharsharif for initiating a proceeding under Section 144 Cr.P.C. and subsequently the present case has been lodged. In the background of dispute with regard to the construction of the house the accusation has been levelled.

On conclusion of investigation final form (charge sheet) was submitted under Sections 323, 341, 504 and 509/34 of the IPC. The learned CJM, Nalanda after going through the case diary, directed for issuance of process after taking cognizance under the same provisions of IPC wherein charge sheet was submitted.

In view of this Court, at the stage of exercising jurisdiction under Section 190(1)(b) Cr.P.C. the court has only to see that the accusation, prima facie, constitutes



offence. It appears that on conclusion of the investigation police submitted final report (charge sheet). Moreover, the impugned order was passed on 04.08.2015 but there is nothing on record to suggest the present stage of the case. This is not the case of the petitioners that impugned order has been passed with non-application of mind.

In the circumstances, this Court is not inclined to interfere. Accordingly, this application is disposed of with liberty to the petitioners to raise all the contentions at appropriate stage of the proceeding.

(Dinesh Kumar Singh, J)

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