

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22451 of 2014

Arising Out of PS.Case No. -2449 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE
District- BEGUSARAI

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1. Devnandan Singh Son of Late Brahmdev Singh
 2. Sumeet Kumar Singh
 3. Vineet Kumar
 4. Navneet Kumar Petitioner No.-2 to 4 are sons of Sri Devendra Singh null
 5. Anuradha Devi Wife of Sumeet Kumar Singh
 6. Sarita Kumari Wife of Vineet Kumar
 7. Laxmi Devi @ Laxhmi Devi Wife of Sri Devanand Singh All are resident of Village-Madhurapur, Dakshin Tola, P.S.-Teghra, District-Begusarai.

.... Petitioners

Versus

1. The State of Bihar
2. Avnish Kumar Singh @ Avnish Kumar Son of Late Harinandan Singh All are resident of Village-Madhurapur, Dakshin Tola, P.S.-Teghra, District-Begusarai.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prithish Kumar Lal, Advocate
For the Opposite Party : Mr. Akhileshwar Pd. Singh, Sr. Advocate
Mr. Abhishek Anand, Advocate
For the State : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 06-09-2017

Heard learned counsel for the petitioners, learned

Senior counsel representing the Opposite Party No. 2 and

learned Additional Public Prosecutor for the State.

The petitioners are seeking quashing of the order



dated 15.02.2013/16.02.2013 passed by learned Judicial Magistrate, 1st Class, Begusarai, in Complaint Case No. 2449 of 2012, whereby the learned Magistrate has taken cognizance of the offences under Section 448, 323, 380, 506 and 34 of the Indian Penal Code.

Learned counsel representing the petitioners submits that the very genesis of the present complaint is a land dispute between the parties, therefore, this Court should interfere with the order taking cognizance.

On the other hand, learned Senior counsel representing the Opposite Party No. 2 submits that the overt act, as alleged in the complaint petition, if taken on its own face without adding or subtracting anything out of it, a '*prima facie*' case is made out, and, therefore, this Court should not interfere.

I find force in the submission of learned Senior counsel for the Opposite Party No. 2, there are certain allegation in the complaint petition which without adding or subtracting anything out of it would rise to a '*prima facie*' case and the learned Magistrate, 1st Class, Begusarai has not committed any error in taking cognizance and issuance of



summons against the accused on the face of the deposition
of the complainant and inquiry witnesses.

The application is dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2017
Transmission Date	07.09.2017

