

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51281 of 2014

Arising Out of PS.Case No. -8 Year- 2013 Thana -GAYA KOTWALI District- GAYA

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1. Jitendra Kumar, s/o late Kishna Prasad,
 2. Purushottam Bhadani @ Purushottam Kr. Bhadani, son of late Krishna Prasad,
 3. Anand Kumar, s/o Purushottam Bhadani,
 4. Abhishek Bhadani @ Abhishek Kumar, s/o Purushottam Bhadani, all resident of Bank of Street Mohalla- Makhlatganj, Police Station- Kotwali, District- Gaya.
 5. Saurabh Kumar, s/o Satendra Prasad,
 6. Shasank Kumar, s/o Satendra Prasad,
 7. Satendra Prasad @ Satendra Kumar, s/o Nagendra Prasad, all resident of Mohalla- Gol Bagicha, Police Station- Kotwali, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajesh Kumar, s/o Sri Nand Kishore Prasad, resident of Mohalla- Delha, Police Station- Delha, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Durgesh Nandan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 24-11-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 27.03.2014 passed by the Chief Judicial Magistrate, Gaya, in Kotwali P.S. Case No.08 of 2013, by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section(s) 147, 149, 323, 341, 506/34 Indian Penal Code.

2. Main argument made by the counsel for the petitioners is that petitioner no.1 had filed a case bearing Kotwali P.S. Case No.313 of 2012 for the offence under Section(s) 307 and



other allied Sections of the Indian Penal Code against the Informant and others in which petitioner nos.2, 3, and 5 are witnesses.

3. Instant case has been filed by the Complainant by copying the First Information Report of Kotwali P.S. Case No.313 of 2012.

4. From the impugned order, this Court finds that the instant case has been filed by the informant. The police after investigation found the case true and submitted charge-sheet against the petitioners for the offence under Section(s) 147, 149, 323, 341, 506/34 Indian Penal Code. Accordingly, cognizance was taken by the learned Magistrate under the aforesaid sections against the petitioners.

5. At the time of taking cognizance, learned Magistrate is merely required to see *prima facie* case on the basis of materials available before him in the written report as well as in the case diary.

6. In view of such, this Court does not find any illegality in the impugned order passed by the learned Court below.

7. Accordingly, the application is dismissed.

8. Liberty is given to the petitioners to raise all the points as raised in the instant application at the time of framing of Charge before the Court below, which shall be considered and



disposed off by the Court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13-12-2017
Transmission Date	13-12-2017

