

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54031 of 2013

Arising Out of PS.Case No. -670 Year- 2012 Thana -COMPLAINT CASE District- JAMUI

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1. Jitendra Kumar Sinha Son Of Sri Ram Shankar Prasad Resident Of Shashikala Niwas, Shivampuri, Station Raod, Jamui, P.S. & Dist. Jamui
2. Ram Shankar Prasad Son Of Late Narsingh Prasad Resident Of Shashikala Niwas, Shivampuri, Station Raod, Jamui, P.S. & Dist. Jamui

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ashok Kumar Sinha Son Of Late Indradeo Narain Resident Of Nilendra Narain Niwas, Shashtri Colony, Jamui, P.S. & Dist. Jamui

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh
For the Opposite Party/s : Mr. Dr. Rabindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 25-04-2017 This application has been filed for quashing the order dated 25.04.2013 passed in Complaint Case No. 670C of 2012 arising out of Jamui P.S. Case No. 131 of 2011 by the learned Judicial Magistrate 1st Class, Jamui by which he has taken cognizance for the offence punishable under Sections 341 and 384 of the Indian Penal Code.

Heard learned counsel for the petitioner and the learned A.P.P for the State.

From the impugned order it appears that learned Magistrate has passed the order on the basis of allegation in complaint, S.A. of the complainant and the statement of three



witnesses recorded during enquiry.

Counsel for the petitioner has submitted that no occurrence has taken place between the parties.

From the complaint petition it appears that occurrence has taken place on the date of occurrence. During enquiry the complainant has supported the allegation and three other witnesses have also supported the allegation as made in the complaint.

It appears that the learned Magistrate has passed the order on the basis of materials available on record after holding enquiry. Therefore, this court finds no illegality in the impugned order. Hence the application is dismissed.

The petitioner may raise all the points as raised in this application at the time of framing of charge in the court below which shall be considered on its on merit in accordance with law.

(Sanjay Priya, J)

Prakash/-

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