

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35277 of 2013

Arising Out of PS.Case No. -149 Year- 2012 Thana -BENIPATTI District- MADHUBANI

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1. Lal Kishore Mandal @ Lal Mandal S/O Parmeshwar Mandal Resident Of Village- Akaur, P.S.- Benipatti, District- Madhubani
 2. Satto Mandal S/O Parmeshwar Mandal Resident Of Village- Akaur, P.S.- Benipatti, District- Madhubani
 3. Bhogi Mandal S/O Parmeshwar Mandal Resident Of Village- Akaur, P.S.- Benipatti, District- Madhubani
 4. Jai Mala Devi W/O Lal Kishore Mandal Resident Of Village- Akaur, P.S.- Benipatti, District- Madhubani
 5. Bharosi Mandal S/O Lal Kishore Mandal Resident Of Village- Akaur, P.S.- Benipatti, District- Madhubani
 6. Dilip Mandal S/O Satto Mandal Resident Of Village- Akaur, P.S.- Benipatti, District- Madhubani
 7. Saini Mandal S/O Satto Mandal Resident Of Village- Akaur, P.S.- Benipatti, District- Madhubani

.... Petitioners

Versus

1. The State of Bihar
2. Punam Devi, Wife of Chandeshwar Paswan, Resident of Village Akaur, P.S. Benipatti, District Madhubani

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Karuna Nath Sahay

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

9 04-07-2017

Heard learned counsel for the parties.

In the instant petition the petitioners challenge the order taking cognizance dated 13.03.2013, passed by learned Chief Judicial Magistrate, Madhubani in Benipatti P.S. Case No.149 of 2012 (T.R. No.3987 of 2013) whereby cognizance has been taken against them under Sections 341, 323, 354 and 504/34 of the Indian Penal Code as well as under Sections 3(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioners submits that



admittedly there is land dispute between the accused persons and the informant. On account of this land dispute, by lodging this false case, pressure was put on the petitioners for leaving the claim over the disputed land whereas the learned counsel appearing on behalf of the informant submits that the land in question was purchased by the informant side, therefore, this offence was committed.

Having considered the submissions of both sides and on perusal of the records, it appears that allegation in the First Information Report is that on account of land dispute, accused persons abused, assaulted the informant and his other family members. The allegation is also of insulting them in public view, they are members belonging to Scheduled Castes. The police after investigation has submitted charge sheet against them finding the allegation true, so on account of the defence of the petitioners that there is land dispute between both sides is not sufficient for setting aside the order of cognizance dated 13.03.2013, passed by learned Chief Judicial Magistrate, Madhubani in Benipatti P.S. Case No.149 of 2012 (T.R. No.3987 of 2013).

Accordingly, this quashing petition stands dismissed.

(Arun Kumar, J.)

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