

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44540 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- EASTCHAMPARAN (MOTIHARI)

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1. Md. Kausar, Son of Md. Kais, Resident of Village- Turkaulia, Tole Koraiya,
P.S.- Turkaulia, District- East Champaran

2. Bashir Ahmad, Son of Md. Hassan Ansari, Resident of Village- Jhirwa, Police
Station- Uchkagaon, District- Gopalganj

.... Petitioners

Versus

1. The State of Bihar

2. Gopal Hazra Son of Late Dharichhan Hazara, Village- Turkaulia, Tole Koriaya,
P.O. and P.S.- Turkaulia, District- East Champaran

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-05-2017

By way of the present application preferred under
Section 482 of the Code of Criminal Procedure, the petitioners seek
quashing of the order dated 06.02.2012 passed by the learned Chief
Judicial Magistrate, Motihari by which finding a prima facie case to
be made out for the offences under Sections 323, 504 of the Indian
Penal Code and Section 3(1)(ii)(iii)(x) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, the petitioners



have been summoned to face trial.

2. It is contended on behalf of the petitioners that they have been falsely implicated in this case with ulterior motive as there exists a land dispute between the parties for which earlier also the complainant has instituted a complaint against the petitioners.

3. Be that as it may, regard being had to the fact that since the allegations made in the complaint do attract ingredients of the offence alleged and they have been supported by the complainant in his statement made on solemn affirmation and by the witnesses examined in course of inquiry, the order summoning the petitioners cannot be faulted with. At this stage, the defence of the petitioners cannot be made a ground to stifle a criminal proceeding.

4. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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