

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.5067 of 2016**

Arising Out of PS.Case No. -193 Year- 2014 Thana -SAHPUR District- PATNA

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Deepu @ Shailendra Kumar, son of Ram Bhawan Roy, resident of village - Sarari,  
P.S. - Shahpur, Distt - Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Jugeshwar Roy, son of late Shital Roy, resident of village - Sarari, P.S. -  
Shahpur, District - Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate.  
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL JUDGMENT**

**Date: 18-09-2018**

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 04.08.2015 passed by learned Judicial Magistrate, 1<sup>st</sup> Class, Patna, in Shahpur P.S. Case No. 193 of 2014 by which the learned Magistrate took cognizance against the petitioner and other accused persons for the offences under Sections 323, 504, 448 and 307 of the Indian Penal Code.

It is alleged in the written report that father of the petitioner namely, Rambhuan Prasad, was digging hole in front of the house of informant. The daughter and wife of the informant objected, then petitioner and other co-accused persons as named in the written



report entered into the house of the informant and assaulted the informant, his wife and children with iron rod on their head causing injury to them. The co-accused Rambhuan Prasad also assaulted the informant.

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

Counsel for the petitioner submits that police during investigation has mentioned that Supervising Authority (Dy. S.P.) in his supervision note has not found any involvement of the petitioner, but the court below has taken cognizance against the petitioner also along with other co-accused persons.

Petitioner is named in the written report. There is specific allegation of overt act against the petitioner.

The learned Magistrate has mentioned in the impugned order that there is sufficient material in the case diary against the petitioner. The informant along with his wife and children has sustained injuries on their head which are vital parts of the body.

Therefore, this Court does not find any illegality in the impugned order.

This Criminal Miscellaneous application is accordingly dismissed.

Petitioner is directed to raise all the points as raised in



this petition at the time of framing of charge.

S.Ali/-

**(Sanjay Priya, J)**

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