

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7723 of 2015

Arising Out of PS.Case No. -182 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Gautam Singh @ Guddu, son of Sri Narendra Prasad Singh, presently residing at Lakhanchand Kothi, Gorakhnath Road, Boring Canal Road, P.S. S.K. Puri, District Patna
 2. Dukh Haran Prasad Singh @ D.P. Singh, son of Late Bhagirath Prasad Singh, resident of village and P.O. Athari, P.S. Runni Saidpur, District Sitamarhi
 3. Mangal Choudhary son of Late Deo Nandan Choudhary, resident of village Lakhanchand, P.S. Mokama, District- Patna
 4. Sudhir Ram @ Sudhir Kumar, son of Tano Ram, resident of village- Lakhanchand, P.S.- Mokama, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Kumar Son of Late Ram Chandra Prasad, resident of village- Chondi, Ward No. 5, P.O. and P.S. Barh, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Abhay Kumar No. 1 (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 04-01-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

2. Petitioners seek quashing of the cognizance order dated 06.05.2010 passed by the learned Judicial Magistrate, 1st Class, Barh thereby taking cognizance of offence under Sections 323, 341, 385, 379, 427, 447 and 504 of the Indian Penal Code .

3. The brief fact giving rise to the case is that complainant had taken Kailash Cold Storage on lease for five years from Sri Nandan Prasad, father-in-law of the petitioner no. 1



on the annual rent of Rs. 51,000/-. He had been paying the rent since 15.01.2007 but after death of Sri Nandan Prasad, who died leaving behind only a daughter, his son-in-law (petitioner no. 1) came alongwith his other associates, other petitioners, on 29.03.2010 at the Cold Storage and dragged him out from the Cold Storage, assaulted him with the butt of the pistol along with others and put his lock on the Cold Storage.

4. Learned counsel appearing on behalf of the petitioners submits that there was an unregistered lease deed only for a period of three years, the period of lease had expired and also the case of the complainant is improbable that a person would keep Rs. 1,25,000/- in the Cold Storage!

5. Having considered the rival submissions and on perusal of record, the Court finds that it is not the case that the allegations made in the complaint do not disclose any offence. So this application stands dismissed.

(Arun Kumar, J)

Sujit/-

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