

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46614 of 2016

Arising Out of PS. Case No.-999 Year-2014 Thana- MUNGER COMPLAINT CASE
District- Munger

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1. Narsingh Tanti, son of Biranchi Tanti,
2. Kumari Punam, wife of Narsingh Tanti, Both Resident of
Village- Mangarh, P.S.- Dharhara, District- Munger
3. ... Petitioners
- Versus
1. The State of Bihar
2. Raj Kishore Prasad Vaishya, son of Late Tetar Vaishya, Resident of Village-
Mangarh, P.S.- Dharhara, District- Munger
... Opposite Parties

Appearance :

For the Petitioners : Mr. Manohar Prasad Singh, Adv.
For the Opposite Parties : Smt. Sangeeta Sharma, APP 58

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 10-07-2018 Heard the learned counsel for the petitioners and
learned counsel for the State.

The petitioners have challenged the order of cognizance, dated 08.09.2016, passed by the Additional Chief Judicial Magistrate, 1st Class Munger, in Complaint Case No. 999(C) of 2014 under Sections 323, 379 and 504 of the Indian Penal Code. The Court below has after perusing the solemn affirmation of complainant and statement of the witnesses found prima facie case against the petitioners. The Court below is only required to see prima facie case at the time of holding enquiry. Therefore, this Court does not find any illegality in the impugned order.

The counsel for the petitioners submits that complainant is already dead.



In such circumstances, the petitioners are given liberty to file necessary petition in the Court below which will be disposed of by the Court below in accordance with law.

This petition is, accordingly, dismissed with observation, made above.

(Sanjay Priya, J)

Shamshad/-

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