

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41927 of 2014

Arising Out of PS.Case No. -375 Year- 2011 Thana -KAHALGAON District- BHAGALPUR

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1. Gaurav Kumar Chaudhary Son of Gaman Kumar Chaudhary
2. Abhishek Kumar Son of Gaman Kumar Chaudhary Both R/o Village
Babu Tola, P.S. Kahalgaon, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunal Tiwary

For the Opposite Party/s : Mr. Sadanand Paswan(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 31-01-2018 Heard the learned counsels for the petitioner and the

State.

The petitioner has sought quashing of the order dated
17.06.2014 passed by the learned Judicial Magistrate, 1st Class,
Bhagalpur in connection with Kahalgaon P.S. Case No. 375 of
2011 whereby cognizance has been taken under Sections 147, 148,
341, 323, 379, 307 and 504 of the Indian Penal Code and Section
3(i)(x) of the SC/ST (Prevention of Atrocities) Act.

It has been submitted on behalf of the petitioners that
the case lodged by the opposite party no. 2 is only a counterblast
to an earlier case lodged by one Poonam Devi of the same village
against the informant of the present case and others. It has further
been submitted that after the lodging of the subject FIR against the
petitioners and one another, a complaint was filed by the brother
of opposite party no. 2 in which a totally different story has been



narrated.

On perusal of the FIR, the offences appear to be clearly made out against the petitioners. In that view of the matter, an earlier case lodged by a co-villager and a complaint case lodged by one of the brothers of the informant having a different story, would not fetch any benefit to the case of the petitioners so far as the order of cognizance is concerned. The order impugned seems to have been passed before the amendment carried out in the year 2015 in the SC/ST Act which enjoins that cognizance under the provisions of the SC/ST (Prevention of Atrocities) Act can only be taken by the Special Court.

No good ground has been made out by the learned counsel for the petitioner for this Court to interfere with the order taking cognizance.

The report about the stage of the case which is kept at 'Flag X' reveals that charges have already been framed and summons have been issued to the witnesses for their appearance.

The petition is, therefore, dismissed.

The trial court is directed to expedite the trial and take all coercive steps to ensure the presence of the witnesses.

(Ashutosh Kumar, J)

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