

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54166 of 2017

Arising Out of PS.Case No. -764 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Vidya Nandan Prasad @ Vidya Nand Prasad Yadav, Son of Ramkrit Rai,
2. Janardan Prasad, Son of Late Ramashish Rai, Both resident of Village-
Gopekitta, P.S.- Pandaraj Distt- Patna.
3. Naresh Yadav, Son of Late Sukhlal Yadav, Resident of Village- Jamalpur
P.S.- Arariya, Distt- Sheikhpura.
4. Suresh Yadav, Son of Lakhan Yadav, Resident of Village- Ram Nagar,
P.S.- Ghoswari, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mahendra Prasad Yadav, Son of Late Nand Kishore Yadav, Resident of
Village- Rally English P.S.- Pandarak Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi, APP 188

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 03-10-2018

No one appears on behalf of the petitioner.

This Court has, however, gone through the materials available on the record. The petitioner is seeking quashing of the order dated 23.05.2015 passed by the learned Judicial Magistrate, Patnacity. By the impugned order the learned Magistrate has taken cognizance of the offences alleged under Sections 323, 341, 504 and 379 of the Indian Penal Code and called upon the petitioners to face the trial.

It appears that a Complaint Case has been filed by the



O.P. No. 2 alleging that the accused persons being lashed with pistol caught the complainant and threatened him. There are allegations that petitioner no. 3 attempted to press the throat of the informant and also assaulted the brother of the complainant by hitting him by the butt of the pistol. The complainant in course of enquiry has made statements on solemn affirmation and produced at least four complainant's witnesses in support of his evidence.

The learned Magistrate upon perusal of the statement of the witnesses and in course of the enquiry took cognizance of the offence.

Learned counsel for the State is present and submits that in view of the materials available on the record, no illegality may be found with the impugned order.

In the opinion of this Court, the order taking cognizance is based on certain materials and those materials are prima facie indicating sufficient grounds to proceed. In these circumstances, no fault may be found with the order of the learned Magistrate. In case, the parties have compromised the matter at their end and the complainant is willing to drop this case. On filing an appropriate application in the learned Court below the same may be considered keeping in mind the relevant laws and the judicial pronouncements on the subject.



This application stands disposed off.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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