

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2214 of 2016

Arising Out of PS. Case No.-32 Year-2015 Thana- NOKHA District- Rohtas

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1. Jikesh Kumar Son of Ayodhya Singh
 2. Ayodhya Singh Son of Ram Bachan Singh
 3. Ram Bachan Singh Son of Late Gharbharan Singh
 4. Muni Singh Son of Ram Bachan Singh All are the residents of Village & Post : - Baraon, Police Station : - Nokha, District : - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Indrawati Devi Wife of Mahadeo Singh Resident of Village & Post - Baraon, Police Station : - Nokha, District : - Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta
For the Opposite Party/s : Mr. Rajendra Prasad Nat (App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 12-09-2018

Heard learned counsel for the petitioners and State.

Learned counsel for the petitioners has submitted that petitioner no.3, namely, Ram Bachan Singh has died during pendency of the application, and as such, the petition with respect to petitioner no.3 is dismissed as withdrawn.

In view of such, the application with respect to petitioner no.3 is dismissed as withdrawn.

This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 8.6.2015 passed by the SDJM,



Sasaram in G.R. No. 280 of 2015/Tr. no. 2099 of 2015 arising out of Nokha P.S. case no. 32/2015 by which learned Magistrate has taken cognizance for the offence under Sections 448, 354(a), 324, 323/34 of the IPC against the petitioners.

Learned counsel for the petitioners has submitted that there is land dispute between the parties. There is no injury on the person of the informant.

This Court after perusing the impugned order finds that the Court below after looking into the charge sheet and the materials in the case diary as well as the allegation in the written report has taken cognizance against these petitioners. The petitioners are named in the written report. There is allegation levelled against them by the informant. The Court below is only required to see *prima facie* case at the time of taking cognizance. Therefore, this Court does not find any illegality in impugned order passed by the Court below.

The petitioners are given liberty to raise all the points, as raised in the present application, at the time of framing of charge, which shall be considered and disposed off by the learned court below in accordance with law without being prejudiced by this order.



This Cr. Misc. petition is, accordingly, dismissed.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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