

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10856 of 2018

Arising Out of PS.Case No. -1 Year- 2015 Thana -FESHAR District- AURANGABAD

=====

Dharmendra Kumar @ Dharmendra Ram, Son of Sarajun Ram @ Saryu Ram, Resident of Village- Basdiha, Khurd P.S.- Feshar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Subhash Kumar Pathak, Son of Yogendra Pathak, resident of Village- Basdiha Khurd, P.S.- Feshar, District- Aurangabad.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 04-09-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

This application has been filed for quashing of the order dated 20.01.2016 passed by the learned Judicial Magistrate, Aurangabad in connection with Feshar P.S. Case No.1 of 2015 registered for the offence under Sections 436 and 34 of the Indian Penal Code whereby and whereunder the learned court below has been pleased to take cognizance of the offence under Sections 435 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the allegations against the petitioner are false and have been made out



of enmity. It is, however, not denied that in course of investigation the occurrence has been found true and there are some statements of the witnesses which are available in paragraph 6 and 7 of the case diary whereunder the name of this petitioner has transpired and the allegations have been made against him about his participation in the alleged occurrence.

If it is so, this Court does not find any reason to interfere with the order of the learned Judicial Magistrate, if he has differed with the police report and after going through the materials available in the case diary issued summon against some of the accused including the present petitioner.

This application has no merit. It is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/-

U		T	
---	--	---	--

