

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.530 of 2016

Arising Out of PS.Case No. -104 Year- 2013 Thana -HATHAURI District- SAMASTIPUR

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1. Ayodhya Mandal @ Ayodhi Mandal, son of Late Uchit Mandal
2. Bharat Mandal, son of Sri Ayodhi Mandal
3. Bilti Devi, wife of Ayodhi Mandal
4. Raso Devi, wife of Bharat Mandal
5. Lakhi Devi @ Lakhiya Devi, D/o Ayodhi Mandal
All resident of village- Ranna, P.S.- Hathauri (Shivaji Nagar O.P.), District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sulekha Devi, Wife of Ganour Mandal, resident of village-Ranna, P.S.- Hathauri, District- Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukund Mohan Jha, Advocate.
For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 10-09-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 20.06.2015 passed by Judicial Magistrate, Rosera, in Hathauri P.S. Case No. 104 of 2013 by which the learned Magistrate took cognizance against the petitioners for the offences under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

Heard learned counsel for the petitioners and learned counsel for the State.

Counsel for the petitioners has submitted that the instant



case has been filed on account of civil dispute between the parties.

Learned A.P.P. has submitted that there is no illegality in the impugned order.

In the written report it is alleged that on the date of occurrence, the informant along with her husband was making Tati in his land upon which, petitioner Nos. 1 and 2 objected and abused. Petitioner No. 3 who is wife of petitioner No. 1 also objected for the same. It is further alleged that petitioner No. 1 assaulted the informant with *Farsa* on her head on account of which she sustained injury. Petitioner Nos. 3 and 4 pull her neck from rope. On raising *hulla* husband, Bhainsur of the informant and other people came. Thereafter, the accused persons fled away. Petitioner No. 3 also snatched golden ear ring from the ear of the informant.

The police after investigation has submitted charge sheet in the case. The learned Magistrate on the basis of charge sheet submitted by the police and after perusing the case diary has taken cognizance against the petitioners for the offence under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

This Court after looking into the allegation in the written report and impugned order finds that court below has taken cognizance after looking into relevant material available in case diary and allegation made in the written report.



Therefore, this Court does not find any illegality in the impugned order.

This Criminal Miscellaneous application is accordingly dismissed.

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

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18/09/2018
Transmission Date	18/09/2018

