

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13017 of 2018

Arising Out of PS.Case No. -2025 Year- 2001 Thana -PATNA COMPLAINT CASE District-
PATNA

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Krishna Kumar @ Krishna Pd. Sao, Son of Late Munna Sao, Resident of
Village/Mohalla- Gola Road, Bakarganj Bajaja, P.S. Pirbahore, District-
Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Most. Panchola Devi, Wife of Late Vinoy Prasad, resident of Gola
Road, Bakarganj, Bajaja, P.S. Pirbahore, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s :

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

ORAL ORDER

3 04-10-2018 Heard learned counsel for the petitioner. No one
appears for the State.

Learned counsel for the petitioner while assailing the
impugned order dated 04.01.2018 passed by the learned Judicial
Magistrate 1st Class, Patna in Complaint Case No. 2025 of 2001
submits that the present criminal case was lodged in fact because
of a civil dispute in which the accused persons being the purchaser
of a house from the mother-in-law of the complainant have been
made accused with sole intention to put pressure upon them.
Learned counsel further submits that although, there are
allegations of assault but no injury report is available on the record



and even in course of trial no material suggesting any injury on the body of the complainant could be produced.

While going through the deposition of the witnesses in course of evidence before charge, this Court finds that the complainant witnesses have made allegations saying that the accused persons had entered into the house of the complainant, threatened her and had assaulted her.

In the opinion of this Court, the materials in form of deposition of witnesses in course of evidence before charge cannot be thrown out at this stage by holding that there is no sufficient ground to proceed against the accused persons. The arguments which have been taken on behalf of the petitioner may be decided in course of trial but those are not sufficient to discharge.

This Court does not find any reason to interfere with the impugned order. This application is dismissed.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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