

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3633 of 2016

Arising Out of PS.Case No. -164 Year- 2014 Thana -HUSAINGANJ District- SIWAN

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1. Vijai Nath Singh @ Bijenath Singh, Son of Late Ram Balak Singh
 2. Mukesh Singh, Son of Vijai Nath Singh
 3. Rikesh Singh, Son of Vijai Nath Singh
 4. Sunita Kumari, Daughter of Vijai Nath Singh
 5. Rajesh Singh, Son of Vijai Nath Singh
 6. Rinku Devi, Wife of Rajesh Singh
- All resident of village - Bharauli, Police Station Andar, District - Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate.

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 11-09-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 09.10.2015 passed by learned Special Judge, Siwan, in Hussainganj P.S. Case No. 164 of 2014 by which the learned Magistrate took cognizance against the petitioners and other accused person for the offences under Sections 366(A), 376, 323, 307/34 of the Indian Penal Code and Section 6/8 of P.C.S.F. Act.

From the impugned order it appears that court below after looking into various paragraphs of the case diary and also statement of victim girl recorded under Section 164 Cr. P.C. has



found sufficient material to take cognizance against the petitioners.

In the written report the informant has taken the name of petitioners levelling allegation against them.

Court below is required to see only *prima facie* case at the time of taking cognizance.

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

This Criminal Miscellaneous application is accordingly dismissed.

Petitioners are given liberty to raise all the points as raised in this petition 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	09/2018
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