

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4038 of 2015

Arising Out of PS.Case No. -11 Year- 2013 Thana -MAHILA PS District- KHAGARIA

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1. Sudhir Sah,
 2. Dipak Sah,
 3. Jyoti Sah @ Jotish Sah, all sons of late Vishnudeo Sah, all residents of village Khataha, Kantoli, P.S. – Gogri, District – Khagaria.

.... Petitioner/s

Versus

1. State of Bihar
2. Sunita Devi, wife of Gopal Sah, resident of village – Khataha, Kantoli, P.S. – Gogri, District – Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivpujan Sahay, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP
Mr. Indrajeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 07-08-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 16.07.2013 passed by the Sub-Divisional Judicial Magistrate, Khagaria, in Mahila P.S. Case No.11 of 2013 by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section(s) 341, 323, 354/34 Indian Penal Code.

Heard learned counsel for the petitioners, learned APP for the State as well as learned counsel for the Opposite Party No.2.

It is alleged in the written report that on the date of occurrence husband of the informant had gone outside for livelihood.



These petitioners used to enter into her house and start talking in indecent manner. They also used to do such act earlier. It is further alleged that on 27.03.2013, petitioners pulled the cloth of the informant and made her naked. When she protested, they assaulted the informant.

Counsel for the petitioners submits that there is land dispute between the parties. The petitioner No.1 had filed Sanha before the police earlier. Informatory petition was also filed before the Sub-Divisional Magistrate, Gogri at Khagaria. The wife of petitioner No.1 has filed a petition before Inspector General, Munger, in connection with instant case that petitioners have been falsely implicated in the case due to land dispute.

From the impugned order, it appears that the police after investigation has submitted charge-sheet against these petitioners for the offence under Section(s) 341, 323, 354/34 of Indian Penal Code.

The Court below after looking into the material in the case diary as well as charge-sheet has taken cognizance against the petitioners by the impugned order for the offence under Section(s) 341, 323, 354/34 of Indian Penal Code.

This Court does not find any illegality in the impugned order passed by the learned Court below.

This application is, accordingly, **dismissed**.



The petitioners are given liberty to raise all the points, as raised in the present application, at the appropriate stage of trial including 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.

(Sanjay Priya, J)

***J.Alam/-
Rohit Kr.***

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10-08-2018
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