

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4116 of 2016

Arising Out of PS.Case No. -267 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Upendra Pandey Son of Sri Ram Ishwar Pandey
2. Ajay Pandey Son of Sri Ram Ishwar Pandey
3. Banti Kumar @ Chandan Kumar Son of Sri Ajay Pandey
4. Deoki Kumar @ Avinash Kumar Son of Sri Ajay Pandey
5. Rocky Pandey @ Rocky Kumar Son of Sri Upendra Pandey null
6. Vicky Pandey @ Vicky Kumar Son of Sri Upendra Pandey
7. Nikki Kumar Son of Sri Upendra Pandey
8. Sunnu Kumar @ Shashankar Kumar Son of Sri Upendra Pandey All
resident of village - Sabnima, P.S. Athmalgola, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Dharambeer Mistri Son of Ramchandra Mistri R/o village - Sabnima,
P.S. Athmalgola, District - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. T.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 14-09-2018 Learned counsel for petitioners is not present.

Learned counsel for O.P. No. 2 is present.

The present petition has been filed for quashing of order dated 05.09.2014 passed by learned S.D.J.M., Barh, Patna in Complaint Case No. 267-C/2014, whereby the court below has found *prima facie* case under Sections 323, 341, 380 and 354 of the Indian Penal Code against petitioners.

From perusal of complaint petition, it appears that allegation of specific overt act has been levelled against these



petitioners.

The Court below after looking into allegation in the complaint petition and S.A. of the complainant as well as statement of witnesses has found *prima facie* case against petitioners.

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

The Cr. Misc. petition is dismissed.

The court below is directed to proceed with the case in accordance with law.

(Sanjay Priya, J.)

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