

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7359 of 2016

Arising Out of PS.Case No. -1168 Year- 2015 Thana -PATNA COMPLAINT CASE District -
PATNA

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1. Goatam Kumar Singh S/o - Late Munehwar Singh
2. Mastana Singh
3. Gambhir Nath
4. Vinod Kumar All Sons of Gautam Kumar Singh All residents of Village -
Ratan Tola, P.S. - Maner, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Uma Shankar Kumar Singh Son of Subash Chandra Singh R/o Village -
Ratan Tola, P.S. - Maner, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Ram Naresh Roy (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 02-11-2018 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

Petitioners are aggrieved by an order dated
04.11.2015 passed by ACJM, Danapur in complaint case
no.1168(c)/2015 whereby and whereunder petitioners have
been summoned to face trial for an offence punishable under
Section 420, 304 and 120B of the IPC.

It has been submitted on behalf of petitioners that
whatever allegation has been attributed in the complaint
petition are palpably false. It has further been submitted that
there happens to be no ingredient of Section 420 of the IPC, in
likewise manner under Section 384 IPC as well as 120B of the
IPC in the background of the fact that there happens to be
simple assault, even if narration of the complaint is accepted
and after assault, the properties so enlisted thereunder were



snatched. That being so, did not satisfy the ingredients so prescribed for satisfying the theme of extortion. In likewise manner, there also happens to be absence of pre-meeting of mind to commit an illegal act by illegal means whereupon, no offence under Section 120B IPC is made out. Furthermore, it has also been submitted that no offence under Section 420 of the IPC is made out because of the fact that there happens to be no allegation with regard to duping of the complainant by the accused persons in order to deliver the property or valuable security or whatever may be. Therefore, summoning of petitioners under the aforesaid sections are nothing but an abuse of the process of the court.

The learned Additional Public Prosecutor opposed the prayer.

Proper appreciation of particular section in consonance with an allegation is at the time of framing of charge. So, petitioners have nothing to apprehend. In case of non-presence of the materials satisfying the ingredients, the learned lower court will be entitle to discharge the accused/petitioners in accordance with section 245 of the Cr.P.C. In light thereof, instant petition is disposed of.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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