

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43368 of 2014

Arising Out of PS.Case No. -35 Year- 2013 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Ramanand Sah Son of Late Khomari Sah
2. Manoj Sah Son of Ramanand Sah
3. Robin Sah Son of Ramanand Sah
4. Ashok Sah Son of Ramadhar Sah
5. Arjun Sah Son of Ramadhar Sah
6. Ramadhar Sah Son of Late Khomari Sah
All Residents of Village-Nawada Tola Fatuhan, P.S.-Kotwa, District-East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Chhote Lal Sah, Son of Bigu Sah R/o Village-Nawada Tola Fatuhan, P.S.-
Kotwa, District-East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 08-01-2018

Heard learned counsel for the petitioners and learned
counsel for the O.P. No. 2 as well as learned counsel for the State.

2. Petitioners seek quashing of the cognizance order
dated 25.07.2014 passed by the Judicial Magistrate, 1st Class,
Motihari in Complaint Case No. C-421 of 2014 thereby taking
cognizance of offence under Sections 323, 379, 384 and 504 of the
Indian Penal Code.

3. The brief fact giving rise to the case is that accused
persons wanted to purchase land of the complainant situated adjacent



to their house and they were putting pressure and forced to execute the sale deed in their favour, but he was not inclined, so forcibly they took L.T.I. of the complainant's brother on a blank sheet of paper and also made a demand of extortion of Rs. One lac per annum.

4. Learned counsel for the petitioners submits that the prosecution case is malicious in nature and in view of Annexure-4, complainant's side had already received Rs. Three lacs from the accused persons and assured to sell that piece of land. In this regard, a Panchayati was also held but retracted from their commitment.

5. Having considered the rival submissions and on perusal of record, the Court finds that defence of the petitioners cannot be taken into consideration for quashing the cognizance order. It is not the case that the allegation does not disclose offence. So finding no merit, this application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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