

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.43673 of 2016**

Arising Out of PS.Case No. -122 Year- 2015 Thana -DURGAWATI District- BHABHUA  
(KAIMUR)

- =====
1. NARAYAN @ NARAYAN YADAV @ NARAYAN SINGH @ RAM NARAYAN SINGH, son of Basdeo Yadav,
  2. Munna Yadav, son of Basdeo Yadav,
  3. Butai Yadav, son of Basdeo Yadav,
  4. Basdeo Yadav, son of Mangru Yadav,
  5. Chandan Yadav, son of Munna Yadav,
  6. Chirkut Yadav, son of Mangru Yadav, all are residents of village- Gajdhara, P.S.- Durgawati, District- Kaimur at Bhabua

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate

For the Opposite Party/s: Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL JUDGMENT**

**Date: 14-08-2018**

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 06.06.2016 passed by the Chief Judicial Magistrate, Bhabhua, Kaimur, in Durgawati P.S. Case No.122 of 2015 by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section(s) 147, 149, 341, 323, 504, 506, 307 Indian Penal Code.

Counsel for the petitioners submits that it is matter of civil dispute. There is case and counter case between the parties.



Injuries have been sustained from both sides.

In the instant case, it is alleged that on the date of occurrence the petitioners were blocking the road. The informant and others made objection then these petitioners armed with *lathi*, spear assaulted them causing injury to the informant, his neighbours and uncle. They were referred to higher Centre for treatment.

The police investigated the case and submitted charge-sheet against the petitioners finding the case true. Thereafter, on the basis of charge-sheet cognizance has been taken against the petitioner.

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

From the allegation in the written report, it appears that there is allegation against all the petitioners of assaulting the informant and his family members causing injury to them.

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

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

The petitioners are given liberty to raise all the points, as raised in the present application, 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/-*

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