

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45790 of 2014

Arising Out of PS.Case No. -3625 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

- =====
1. Prof. Awadh Kishore Singh, son of Mundrika Singh, resident of village - Hakimpur, P.S.- Mahua, District – Vaishali,
 2. Prof Mahesh Bhagat, son of Panna Lal Bhagat, resident of village- Panapur Lugai, P.S.- Sadar Hajipur, District-Vaishali,
 3. Vinod Kumar, son of Mahendra Singh, resident of village- Majia, P.S.- Goraul, District- Vaishali,
 4. Krishna Kumar Singh, son of late Sakaldeep Singh, resident of village- Prem Raj, P.S.- Goraul, District- Vaishali,
 5. Sunil Kumar Suman, son of Shivchandra Singh, resident of village- Madurapur, P.S.- Goraul, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Virendra Kumar Sinha, son of late Singheshwar Singh, resident of village - Marhampur Marji, P.O.- Madhaul, P.S.- Mahua, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Pd. Sinha, Sr. Advocate
Mr. Jitendra Narain Sinha, Advocate
Mr. Rohit Kumar, Advocate
For the Opposite Party No.1: Mr. Shyam Bihari Singh, APP
For the Opposite Party No.2: Mr. Arun Kumar, Advocate
Mr. Bipin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 02-07-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 21.04.2014 passed by the Judicial Magistrate, 1st class, Vaishali at Hajipur, in Complaint Case No.3625 of 2013 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners for the offence under Section(s) 420 and 120-B Indian Penal Code.

2. A report was called for from the Court below



about the present stage of case, which has been received. From the report of the Court below it appears that evidence before Charge has already been closed on 21.06.2018. The case is, now, fixed for hearing on the point of framing of Charge against the petitioners.

3. Learned Magistrate is only required to see *prima facie* case at the time of holding enquiry under Section 202 Cr. P. C. on the basis of allegation made in the Complaint Petition and the statement of the witnesses recorded during enquiry.

4. Therefore, this Court is not inclined to interfere with the impugned order passed by the learned Court below by which the Court below has found *prima facie* case against the petitioners on the basis of allegation made in the Complaint Petition and the statement of the witnesses recorded during enquiry.

5. The application is accordingly, **dismissed**.

6. The petitioners are given liberty to raise all the points, as raised in the present application, at the appropriate stage 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/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11-07-2018
Transmission Date	11-07-2018

