

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11735 of 2018

Arising Out of PS.Case No. -314 Year- 2016 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

- =====
1. Shamshul Hoda Khan @ Chand Khan, Son of Late Hamid Ali Khan @ Abdul Hamid Khan.
 2. Jahan Ara Khatoon, wife of Shamshul Hoda Khan @ Chand Khan, Both resident of Mohalla- Imadpur, Police Station- Rafiganj, District- Aurangabad.
 3. Afroz Jahan @ Juhi @ Juhi Khatoon, wife of Sher Afghan Khan @ Shahnawaz Khan, Resident of village- Mauna, Police Station- Nasriganj, District- Rohtas.
 4. Md. Ali @ Md. Sakib Ali, Son of Md. Jalil Khan, Resident of Village- Chand Bigha, Police Station-Rafiganj, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nasima Khatoon, Wife of Kaiser Nehal, Resident of Village- Mauna, Police Station- Nasriganj, District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari
For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-09-2018 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners are seeking quashing of the order taking cognizance dated 22.09.2018 passed by the learned Judicial Magistrate-1st Class, Bikramganj (Rohtas) in Complaint Case No.314 of 2016 for the offence under Sections 323, 379 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that a



land dispute is going on between the parties and that is the reason for this false implication of the petitioners in the present case. Annexure-2 is said to be a copy of the plaint showing that the parties are on litigating terms.

Going through the allegations made in the complaint petition and the deposition of the enquiry witnesses, however, this Court finds that there are allegations which have been supported in course of enquiry and for that reason a prima facie case has been found by the learned Magistrate. This Court has perused the complaint petition and the deposition of the enquiry witnesses. At this stage, this Court is not persuaded to interfere with the order taking cognizance. However, petitioners will be at liberty to raise all such pleas, which are available to them, at the stage of framing of charge which will be considered by the court below and an appropriate order shall be passed.

The application stands disposed off with the liberty aforesaid.

(Rajeev Ranjan Prasad, J)

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