

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14446 of 2015

Arising Out of PS. Case No.-212 Year-2013 Thana- BRAHMPUR District- Buxar

1. Vishun Dev Yadav @ Vishun Dayal Yadav Son of Kaushal Yadav
2. Tarkeshwar Yadav Son of Kaushal Yadav
3. Bharan Yadav @ Man Bharan Yadav Son of Kaushal Yadav All resident of village - Nainijore, Police Station - Brahampur Nainijore Out Post , District - Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh

For the Opposite Party/s : Mr.Uma Nath Mishra APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-05-2019 Heard counsel for the petitioners and Addl. Public
Prosecutor for the State.

This application has been filed for quashing the impugned order dated 15.07.2014 passed by the Chief Judicial Magistrate, Buxar in Brahampur (Nainijore Out post) P.S. case no. 212/2013 in which cognizance has been taken under sections 341, 323, 324, 325, 307, 326 and 379/34 of the Indian Penal Code against the petitioners.

It is submitted by counsel for the petitioners that order taking cognizance is not sustainable since occurrence is said to have occurred on 14.07.2013 whereas Fardbeyan has been recorded three days later i.e. 17.07.2013. He submits that



prosecution is counter blast to earlier prosecution initiated by the petitioners' side against the opposite party.

Submissions made on behalf of the petitioners are not sufficient to strike at the order taking cognizance and set aside the same, as veracity of allegation is to be considered by the trial court. No case for interference under section 482 Cr.P.C is made out by the petitioners.

Quashing application is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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