

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13310 of 2015**

Arising Out of PS. Case No.-152 Year-2013 Thana- BIRAUL District- Darbhanga

-
1. Aslam @ Md. Aslam Son of Late Mahiuddin
 2. Ashaf Son of Md. Abdul Kayum
 3. Anzar Alam Son of Late Niraulam @ Chengwa
 4. Md. Farhim @ Md. Nesar Alam Son of Md. Anwar Alam
 5. Abrar Son of Md. Anwar Alam
 6. Israr Son of Md. Anwar Alam All Resident of Village - Akbarpur Bank, P.S. Biraul, District - Darbhanga

... .. Petitioner/s

Versus

1. State Of Bihar
2. Md. Umar Son of Late Kamruddin Resident of Village - Akbarpur Bank, P.S. Biraul, District - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Rajendra Prasad Nat App

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 09-05-2019 Heard the learned counsel for the parties.

The present petition has been filed for quashing the order dated 07.03.2014 passed by the Sub Divisional Judicial Magistrate, Biraul at Benipur, Darbhanga in Biraul PS case no. 152 of 2013, whereby and whereunder cognizance has been taken for the offences punishable under Sections 323, 341, 504/34 of Indian Penal Code.

A bare perusal of the first information report, wherein the petitioners are accused, would show that there is specific



allegation against the accused persons including the petitioners of having assaulted the informant resulting in him receiving injuries.

Admittedly, charge sheet has been filed by the police in the present case under Sections 323, 341, 504/34 of Indian Penal Code, hence the police has found the case to be *prima facie* true as against the petitioners herein.

Having regard to the facts and circumstances of the case, apparently a bare reading of the FIR definitely makes out a *prima facie* case as against the petitioners herein, hence the impugned order dated 07.03.2014, whereby and whereunder the learned S.D.J.M. Biraul at Benipur has been pleased to take cognizance for the offences punishable under Sections 323, 341, 504/34 of Indian Penal Code, against the petitioners herein, does not suffer from any legal infirmity, hence the present petition is dismissed.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

