

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1888 of 2019

Arising Out of PS. Case No.-673 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Surendra Singh @ Surendra Kumar Singh Late Nanhak Singh Rseident of
Village- Gaura Patralay, Paharpura, P.S.- Madanpur, Destrict- Aurngabad
(BIHAR)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nageshwar Yadav Late Suryadeo Yadav Rseident of Village- Gaura Patralay,
Paharpura, P.S.- Madanpur, Destrict- Aurngabad (BIHAR)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari
For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Gone through the order impugned.

In *Prabhu Dutt Tiwari vs. State of Uttar Pradesh*

and others reported in (2018) 13 SCC 609, wherein it has been
held:-

*“3. At the stage of summoning the accused on the basis
of a private complaint, all that is required is a
satisfaction by the Magistrate that there is sufficient
ground to proceed against the accused in the light of the
records made available and the evidence adduced by the
complainant.*

4. Having gone through the order passed by the



Magistrate, it is fairly clear that there has been the required satisfaction. The discussion by the High Court would give an indication that the Magistrate had to appreciate the evidence and then enter a finding as to whether the accused are guilty or not. At the stage of summoning, as already stated above, the satisfaction required for the Magistrate is only to see whether there is sufficient ground to proceed against the accused.

5. Such a satisfaction for summoning an accused having been made out, the High Court went wrong in interfering with the summoning order. It was too early for the High Court to enter a finding otherwise. The impugned order is, hence, set aside. The appeal is allowed.”

The order impugned satisfied the ingredients justifying summoning of the petitioner and that being so, instant petition is rejected.

(Aditya Kumar Trivedi, J)

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