

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5979 of 2015**

Arising Out of P.S. Case No.-144 Year-2011 Thana- PANDAUL District- Madhubani

1. Pankaj Kumar Jha @ Pankaj @ Nayanendra Kumar Jha.
2. Dhirendra Kumar Jha @ Dhiru Jha @ Dhiraj.
Both Sons of Late Ganga Prasad Jha, Resident of Village-Sakhwar, P.S-
Manigachhi, District-Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Mr. Nilesh Kumar and Mr. Pravin Kumar, Advocates
For the State	:	Mr. Meena Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 01-04-2019

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners have moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“That this is an application for quashing
the order dated 04.01.2013 passed by learned Chief
Judicial Magistrate, Madhubani pending in the
Court of Sri V. Bhardwaj, Learned Judicial
Magistrate-1st Class, Madhubani in T.R. No.
4013/2013 arising out of Pandaul P.S. Case No. 144
of 2011 whereby and where under he found a prima
facie case against the petitioners and took
cognizance for the offence under Sections 143, 341,*



186, 337, 429, 435 and 384 of the Indian Penal Code.”

3. The allegation against the petitioners and others is of burning of vehicles belonging to the informant out of rage arising out of an incident in which the father of the petitioners was injured and later died.

4. Learned counsel for the petitioners submitted that the allegations are false and for the incident there was also a Station Diary Entry No. 617 of 2011 recorded by them at the Darbhanga Medical College and Hospital on the date of the incident. Learned counsel also drew the attention of the Court to Pandaul P.S. Case No. 143 of 2011 lodged by the son of another person who had died in the incident. It was submitted that the petitioners have no role in the burning up of the vehicles of the informant and the same was the result of the anger of the crowd which had assembled there.

5. Learned A.P.P. submitted that even if the crowd had set on fire the vehicles of the informant, the petitioners being part of the crowd cannot be said to be innocent. Further, it was submitted that if at all the petitioners are innocent, during the course trial they have full opportunity to present their defence with regard to them not being present at the time of incident or not being involved in the said incident.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present application. Accordingly, the same stands dismissed.

7. It goes without saying that the petitioners shall have full opportunity of putting up their defence before the Court concerned at the appropriate stage, which shall be considered on its own merits by the Court concerned, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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