

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23313 of 2015**

Arising Out of PS. Case No.-319 Year-2014 Thana- RUNISAIDPUR District- Sitamarhi

1. Md. Shamshad Alam, son of Md. Nasim
 2. Md. Irshad, son of Md. Nasim
Both resident of village - Kanhwa, P.S. Bela, District - Sitamarhi.
- Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman, Advocate
For the Opposite Party/s : Mr.Shardanand Jha APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-11-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioner in the present case is seeking quashing of the order dated 11.11.2014 in G.R. No. 2979/2014, Tr. No. 319/2014 (arising out of Runnisaidpur P.S. Case No. 319/2014) by the Chief Judicial Magistrate, Sitamarhi by which cognizance under Section 363/370 I.P.C. under Section 23, 24 of the Juvenile Justice Act, under Section 16 of Bounded Labour Act and Section 14 of the Child Labour Act has been taken against the petitioners.

Although learned counsel for the petitioners submits that in this case a final form was submitted and no sufficient material was found against these petitioners to proceed against but on perusal of the records, it appears that police had earlier



submitted a charge-sheet in which sufficient materials were found against these petitioners. Based on that the learned Magistrate took cognizance of the offences under Sections 363/370 I.P.C. read with Sections 23, 24 of the Juvenile Justice Act, under Section 16 of Bounded Labour Act and Section 14 of the Child Labour Act vide order dated 11.11.2014.

Learned counsel for the petitioners has drawn attention of this court towards the copy of the supplementary charge-sheet dated 30.11.2014. It is his submission that in the supplementary charge-sheet police has submitted that the children were being taken to Pune for their schooling in their Madarsa and as such the final form is being submitted as “lack of evidence”. On this ground learned counsel for the petitioners is seeking quashing of the impugned order.

In the opinion of this court no fault may be found with the impugned order dated 11.11.2014 because at the relevant time there were sufficient materials before the learned Magistrate to find a prima-facie case against these petitioners. The petitioners will have however an opportunity to demonstrate at the time of framing of charge that there is no material on the record which may attract ingredient of the offences alleged.



This application is, thus, dismissed with liberty to the
petitioners to raise all issues at the time of framing of charge.

(Rajeev Ranjan Prasad, J)

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