

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21163 of 2015

Arising Out of PS. Case No.-313 Year-2013 Thana- JAMUI District- Jamui

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1. Anshu Devi W/o Kanhaiya Singh
 2. Kanhaiya Singh S/o Ashok Singh Both are resident of village- Manjosh,
P.S.- Sikandra, District- Jamui

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rajeev Kumar, S/o Late Shivrindan Singh, resident of village- Lakhanpur,
P.S.- Jamui, District- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Adv
For the Opposite Party/s : Mr.Madhuranand Jha, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 29-07-2019

Heard learned counsel for the parties.

2. The petitioners have challenged the order of cognizance dated 31.10.2014 passed in Jamui P.S.Case No.313 of 2013 whereby the learned court below has taken cognizance against the petitioners also for offences under Sections 447, 341, 337, 504, 506/34 and 307 I.P.C.

3. The challenge is on the ground that the petitioners were not sent by the police for trial, however, the learned Magistrate has differed with the police report and taken cognizance against the petitioners also.

4. Perused the impugned order and the material available in the case dairy.



5. The FIR as well as statement of the witnesses mentioned in the impugned order clearly reveals that some of the petitioners encircled the informant and some others committed assaulted with different weapons.

6. Allegation of commission of abuse is against the petitioners also. Further allegation is that the female members of the family of the informant, including petitioner-Anshu Devi assaulted to others.

7. Learned counsel for the petitioners has relied on certain paragraphs of the case dairy including Para-17.

8. When two views are possible, the trial cannot be stopped and quashed. Probable defence can be looked into at the appropriate stage of trial. This application has got no merit. Accordingly, it stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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