

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21649 of 2015

Arising Out of PS. Case No.-239 Year-2013 Thana- MOKAMAH District- Patna

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1. Binay Kumar Singh @ Binay Kumar @ Binay Singh son of Ram Narayan Singh, resident of Village- Lakhanchand, Police Station- Mokama, District- Patna at present resident of Mohalla- B.N. Roy Road, Machchali Gali, Police Station- Kadamkuan, District- Patna.
 2. Md. Kadir son of Md. Taslim, resident of Village- Lakhanchand, Police station- Mokama, District- Patna.

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2
For the Opposite Party/s : Mr.Pushpa Sinha-Iiapp

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-12-2019 This application has been filed for quashing the order dated 29.01.2015 passed by Judicial Magistrate -1st Class, Barh, Patna in Mokama P.S. Case No. 239/2013 (G.R. No. 1771/2013, T.R. No.3140/2015), whereby and where under cognizance has been taken against the petitioner and other accused persons under Sections 147,148, 149, 447, 341, 323, 325, 307, 504, 506, 109 and 120(B) of the Indian Penal Code.

Prosecution case in short is that while the informant was working in his field, all the accused persons including petitioners came and asked the informant to leave the land and on protest, accused persons assaulted the informant by means of lathi, rod and other weapons, as a result of which, the



informant received in jury on his head and when his father came to save him, he was also assaulted by the accused persons.

It further appears that after investigation chargesheet has been submitted and, thereafter, cognizance has been taken.

Petitioners have challenged the aforesaid order taking cognizance against him.

In this case earlier case diary has been called for and from perusal of the F.I.R. as well as the case diary, it appears that there is prima facie evidence against the petitioners and other accused persons

In such view of the matter, I do not find any merit in the instant application, the same is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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