

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25183 of 2016**

Arising Out of PS. Case No.-1024 Year-2008 Thana- BUXAR COMPLAINT CASE District-
Buxar

-
1. Ram Awatar Singh S/o late Raghubir Singh
 2. Rama Shray Singh S/o Ram Awatar Singh
 3. Rajesh Singh
 4. Manu Singh Both sons of Ramashray Singh
- All are residents of village - Jalwasi, P.S. - Itarhi, District - Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jonhiya Devi W/o Ramji Singh resident of Village - Jalwasi, P.S. - Itarhi,
Distt - Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate
For the Opposite Party/s : Mr. Indra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 21-08-2019**

Heard learned counsel for the parties.

2. Petitioners are accused in Complaint Case No.1024(C) of 2008 wherein the learned Judicial Magistrate, 1st Class, Buxar, took cognizance against the petitioners for offences under Sections 341/323/447/34 of the Indian Penal Code by order dated 21.05.2009.

3. The petitioners challenged the aforesaid order before the learned Sessions Judge in Criminal Revision No.206 of 2009. The Criminal Revision was dismissed on 08.03.2016.



Both the orders aforesaid have been challenged in this application under Section 482 Cr.P.C.

Submission of learned counsel for the petitioners is that the allegation is general and omnibus. Land dispute is reason behind the false implication.

The aforesaid issues can be examined at the appropriate stage of the trial only and cannot be considered at the stage of cognizance. Only material which is to be examined at the stage of cognizance is whether the allegation prima facie discloses commission of some offence. The allegations made in the complaint petition clearly discloses the offences for which cognizance has been taken. Hence, I find no merit in this application.

Accordingly, this application stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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