

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46281 of 2016

Arising Out of PS. Case No.-138 Year-2016 Thana- ARA NAGAR District- Bhojpur

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1. Lala Yadav @ Lal Mohar Yadav S/o Late Ashkrit Yadav
 2. Dinesh Yadav S/o Lal Mohar Yadav @ Lala Yadav
 3. Munna Yadav S/o Lal Mohar Yadav @ Lala Yadav
 4. Dilip Yadav @ Dilip Kumar S/o Lal Mohar Yadav @ Lala Yadav All are resident of Mohalla- Shital Toal, P.S.- Ara Nagar, District- Bhojpur.

.. ... Petitioner/s

Versus

1. State Of Bihar
2. Dinesh Prasad S/o Vishwanath Prasad R/o East Nawada, P.S.- Ara Nawada, District- Bhojpur.

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Adv
For the Opposite Party/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 05-12-2019

Heard the parties.

2. The petitioners are accused in Ara Town P.S.Case No.138 of 2016 wherein cognizance has been taken by the impugned order dated 12.09.2016 for offences under Sections 341,323,307,384,379,504,34 I.P.C and under Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for the occurrence allegedly took place on 27.01.2016.

3. Allegation against the petitioners is of demand of ransom as well as commission of assault with different weapons to the informant and others.



4. The cognizance order has been challenged on two grounds. Firstly, that a Title Suit No.146 of 2008 is going on between the petitioners' family and the family of the vendor of the informant of this case. The informant claims the suit land by purchase from the referred vendor through registered sale deed in the year 1990-91 and 1993 after payment of due consideration. The informant is not a party to that suit. Moreover, the probable defence of false implication can be looked into at the appropriate stage of trial only. The second ground is that petitioner No.4- Dilip Yadav @ Dilip Kumar is a Govt. Servant and he was on duty at some different place. The plea of alibi shall also be looked into at the appropriate stage of trial and not at the stage of cognizance.

5. Since sufficient material is there against the petitioners, prima facie disclosing commission of the offences for which cognizance has been taken. Hence, this Court is not inclined to interfere in the impugned order. Accordingly, this application is dismissed as devoid of any merit.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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