

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40281 of 2019

Arising Out of PS. Case No.-6 Year-11 Thana- BALRAMPUR District- Katihar

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1. MD. KHALIL @ KHALIL Son of Late Fazar Ali Resident of Village- Beldiya Gachhi, P.S.- Balrampur, District- Katihar
 2. Md. Mahbool @ Mahbool Son of Md. Illiyas Resident of Village- Beldiya Gachhi, P.S.- Balrampur, District- Katihar
 3. Md. Makbool @ Makbool Son of Md. Illiyas Resident of Village- Beldiya Gachhi, P.S.- Balrampur, District- Katihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Afroz Alam Son of Hazi Abul Hasnath Resident of Village- Dalkola Bazar, P.S.- Karandighi, District-Uttar Dinajpur (West Bengal)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-07-2019 The petitioners seek quashing of the order dated 08.12.2011 passed by the learned Chief Judicial Magistrate, Katihar in connection with Balrampur P.S. Case No. 6 of 2011 whereby cognizance has been taken against the petitioners under Sections 364(A)/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that one of the labourers of the informant/opposite party no. 2 who is said to have been



kidnapped has returned. It has further been submitted that a false case has been lodged because of dispute over a passage of land with respect to ingress and egress from the brick kiln of the informant/opposite party no. 2. It has thus been submitted that because of this dispute over passage of land, the petitioners have been made accused in this case. It appears that after investigation charge sheet has been submitted whereby cognizance has been taken under Sections 364(A)/34 of the Indian Penal Code.

This Court is not inclined to interfere with the order of cognizance and the same is dismissed.

However it would be open for the petitioner to prefer an appropriate petition for discharge before the court below. Should such a petition be filed, the court below shall look into the entire facts and shall pass an order in accordance with law without being prejudiced by the fact that the present petition has not been entertained.



With the aforesaid direction/observation, the
petition stands disposed of.

(Ashutosh Kumar, J)

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