

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27870 of 2014

Arising Out of PS. Case No.-4413 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Raj Kishore Pandey Son of Late Bacha Pandey (Samdhi of Sachida Nand Singh).
2. Sachidanand Singh Son of Late Ram Chandra Singh.
Both resident of Mahavir Colony, Sainchak, P.S.-Beur, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Suryanarain Thakur Son of Jainarayan Thakur, R/o Mohalla-Mahavir Colony Sainchak, P.S.-Beur, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv
For the Opposite Party/s : Mr.Amrendra Pd., APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 24-07-2019

Heard learned counsel for the parties.

2. The petitioners have challenged the order of cognizance dated 23.04.2014 passed in Complaint Case No.4413(C) of 2013 whereby the learned Judicial Magistrate-1st Class, Patna has taken cognizance against the petitioners for offences 341, 323, 379, 448, and 504 of the Indian Penal Code.

3. According to complaint petition, the petitioners are neighbours of the complainant. Since marriage ceremony was going on in the house of the complainant, the Rasta, in front of the house, was covered with Tent etc. On 15.12.2013, when everything was removed, the complainant found that the petitioners have opened a Gril Gate and were attempting to



construct a stair on the main Rasta in unauthorized manner though a civil suit was going on between the parties. When the complainant forbade, all the accused person started commission of assault with Danda and abused to the complainant and committed theft etc.

4. Submission is that there is counter case also and just to save skin from the clutches of counter case, present false complaint case has been filed. Moreover, a civil suit is also going on between the parties.

5. Since prima facie offence is disclosed in the complaint petition and the same is supported by the witnesses of enquiry, the impugned order cannot be quashed only on the ground of probable defence of the accused. Hence, this application is dismissed as devoid of any merit.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.07.2019
Transmission Date	27.07.2019

