IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10244 of 2015

Arising Out of PS. Case No.-2 Year-2014 Thana- SC/ST District- Katihar

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1. Jawahar Singh son of Late Kedar Singh
2. Diwakar Singh, son of Sri Dukha Singh
3.Balbir Singh son of Sri Dukha Singh
4. Pushpa Singh, wife of Sri Balbir Singh
All resident of village- Hasanganj, Korgawa, P.S Dandkhora, District Katihar

... ... Petitioner/s

Versus

1.State Of Bihar
2. Yadu Choudhary, son of late Bekan Choudhary, resident of village- Hasanganj, Naya Tola, P.S. Dandkhora, District, Katihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Pranav Kumar Jha
For the Opposite Party/s : Mr.Asha Kumari, App

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-05-2019 Heard learned counsel for the parties.

2. An order dated 05.02.2015, passed by the learned ACJM, Katihar in SC/ST Case No. 02 of 2014/G.R. No. 154 of 2014 arising out of SC/ST case No. 02 of 2014, whereby cognizance has been taken of the offence punishable under Sections 341,323,504,506/34 of the Indian Penal Code and Sections 3(i) (V) (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been challenged in the present application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code). The cognizance has been taken apparently on the basis of allegation

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made in the First Information Report and other materials on record. It cannot be said that the allegation do not constitute any offence at all under the said provisions.

3. This application is, thus, dismissed with the observation that the petitioners shall be at liberty to raise the plea which they have raised in the present application at the appropriate stage in appropriate proceeding.

(Chakradhari Sharan Singh, J)

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