

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77434 of 2019

Arising Out of PS. Case No.-18 Year-2018 Thana- SULTANGANJ District- Bhagalpur

1. DAYANAND YADAV Son of Late Tarni Yadav Resident of Village-Kolgama, P.S.-Sultanganj, District-Bhagalpur.
2. Dhruw Kumar Son of Late Dhaneshwar Yadav Resident of Village-Madhura, P.S.-Tarapur, District-Munger.
3. Rajiv Ratna Singh Son of Maheshwari Prasad Singh Resident of Village-Gulni Kusha, P.S.-Shambhuganj, District-Banka.
4. Premachandra Arya @ Prem Kumar Arya Son of Late Sushil Yadav Resident of Village-Madhura, P.S.-Tarapur, District-Munger.
5. Sundar Pandit Son of Baldev Pandit Resident of Pikdauri, Lane No.5, P.S.-Sultanganj, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-12-2019 Heard learned Counsel for the petitioners and the
learned Counsel for the respondent State.

This application has been filed for quashing order dated 14.8.2018 passed by ACJM Ist Bhagalpur in Sultanganj PS Case No. 18 of 2018 (G.R. No. 365 of 2019) whereby cognizance has been taken against the petitioners for offences under Sections 323, 341, 504 and 34 IPC.

Counsel for the petitioners submits that the order taking cognizance is bad in law. He submits that the allegations



are based on extraneous consideration and that the informant who claims to be Principal had already retired much prior to lodging of the information i.e. 19.2.2017. He submits that in view of nature of allegation the person who is no longer principal of the Institute the instant prosecution is abuse of the process of court.

These factual assertions are required to be considered in course of trial. As long as the ingredients of the offences are made out for which cognizance has been taken this Court exercising jurisdiction under Section 482 Cr.P.C., ought not to interfere with the order taking cognizance.

From perusal of the FIR it is apparent that the informant who has lodged the case is the Principal and has stated that the petitioners have disrupted the flag hoisting in the College on the Republic Day i.e. 26.1.2018, , and indulged in manhandling.

Counsel for the petitioners at this juncture submits that he wants to withdraw the application with liberty to raise the issues at the appropriate stage.

If the petitioners raise the issues at the appropriate stage, it is needless to say that the court below will consider the issue in accordance with law upon its own merit without being



influenced in any manner with this order.

This application stands dismissed as withdrawn.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

