

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77324 of 2019

Arising Out of PS. Case No.-1016 Year-2009 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Bimla Devi Choudhary @ Bimla Choudhary, W/o Late Hira Lal Choudhary, Resident of Flat No. 403, Shobhanadri Apartment, Dharam Karan Road, 7-1- 69/1/25, Ameerpet, P.S.- Begumpet, Secundrabad. (Hydrabad)
 2. Alok Kumar Choudhary @ Alok Choudhary, S/o Late Hira Lal Choudhary, Resident of Flat No. 403, Shobhanadri Apartment, Dharam Karan Road, 7-1- 69/1/25, Ameerpet, P.S.- Begumpet, Secundrabad. (Hydrabad)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arjun Mandal, S/o Late Ayodhya Mandal, Resident of Khalifabagh, D.N. Singh Road, P.S.- Kotwali, District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey
For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-12-2019 This application has been filed for quashing of the order dated 06.06.2012 passed by the learned Additional Chief Judicial Magistrate-IX, Bhagalpur in complaint case no. 1016 of 2009 registered for the offences under Sections 418, 417 and 34 of the I.P.C by which, the learned Magistrate had taken cognizance against the petitioners.

The ground for quashing is that nothing has been attributed against the petitioners and there is dispute with respect to the sale of a land and a title suit is already pending between the parties. It has further been submitted that the



Panchayati was also held for that purpose. During argument it also transpired that one co-accused Ratan Santhaliya has also come before this court for quashing the order dated 06.06.2012 which was disposed of with a direction to the petitioners in that case to be raised the above point at the time of framing of charge.

Heard learned A.P.P. for the State also.

Having heard both sides, on perusal of impugned order, it appears that the learned magistrate, having found *prima facie* materials against the petitioners has taken cognizance under Section 418, 417 and 34 I.P.C. and this is not the stage to consider the above submissions of learned counsel for the petitioners.

Accordingly, this application is dismissed with liberty to the petitioners to raise the above points on the appropriate stage which will be considered by the learned trial court.

(Vinod Kumar Sinha, J)

Rahul Mishra/-

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