

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79779 of 2019**

Arising Out of PS. Case No.-958 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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1. Devesh Chandra Pandey @ Mantoo Pandey, Son of Shyam Bihari Pandey Resident of Village-Ratwar, Post-Ratwar, P.S-Bhabua, District-Kaimur at Bhabua.
 2. Punit Pandey @ Punit kr. Pandey Son of Shyam Bihari Pandey Resident of Village-Ratwar, Post-Ratwar, P.S-Bhabua, District-Kaimur at Bhabua.
 3. Jyoti Kumar Pandey Son of Akhileshwar Pandey Resident of Village-Ratwar, Post-Ratwar, P.S-Bhabua, District-Kaimur at Bhabua.
 4. Shyam Bihari Pandey Son of Late Bachchan Pandey Resident of Village-Ratwar, Post-Ratwar, P.S-Bhabua, District-Kaimur at Bhabua.
 5. Akhileshwar Pandey Son of Late Bachhan Pandey Resident of Village-Ratwar, Post-Ratwar, P.S-Bhabua, District-Kaimur at Bhabua.
 6. Bipin Pandey @ Pintu @ Bipin Kr. Pandey Son of Late Chandrabhushan Pandey Resident of Village-Ratwar, Post-Ratwar, P.S-Bhabua, District-Kaimur at Bhabua.
 7. Kamala Devi @ Kamala pati Devi Wife of Akhileshwar Pandey Resident of Village-Ratwar, Post-Ratwar, P.S-Bhabua, District-Kaimur at Bhabua.
 8. Anchala Devi @ Anchal Debi Wife of Devesh Chandra Pandey Resident of Village-Ratwar, Post-Ratwar, P.S-Bhabua, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bindeshwari Pandey @ Banti Pandey Son of Vishwakant Pandey @ Pramod Pandey Resident of Village-Ratwar, P.S-Bhabua, District-Kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey
For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-12-2019 Heard learned counsel for the petitioners and

learned counsel for the State.

This application has been filed for quashing the
order dated 28.08.2019 issuing process against the petitioners
passed in Complaint Case No.958 of 2019 by learned Judicial



Magistrate-IIInd, Kaimur at Bhabua for the offences punishable under Sections 341, 323 and 504 of the I.P.C.

The present application for quashing has been filed on the ground of delay in filing the Complaint Case as well as there is also case and counter-case in between the parties and the same has not been considered by the learned Magistrate while issuing process against the petitioners.

On the other hand, learned A.P.P. opposed this application on the ground that this is not the stage to look into the defence of the petitioners and as such, this application is not maintainable.

Having heard both the sides, perused the materials available on the record, which shows prima facie materials against the petitioners and thereafter enquiry processes were issued against them. At the same time, at the time of issuing process, the learned Magistrate does not go into the defence of the accused and as such, I find no merit in the application.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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