

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78885 of 2019

Arising Out of PS. Case No.-100 Year-2016 Thana- NASRIGANJ District- Rohtas

1. Anand Mohan Rai, Son of Late Vindhyachal Rai, Resident of Village - Taraon, P.S.- Nasriganj, District - Rohtas.
2. Madan Mohan Rai @ Madhan Mohan Rai, Son of Late vindhyachal Rai Resident of Village - Taraon, P.S.- Nasriganj, District - Rohtas.
3. Ranjeet Kumar Mishra, Son of Late Ram Niwas Mishra, Resident of Village - Taraon, P.S.- Nasriganj, District - Rohtas.
4. Vimlesh Rai, Son of Kamta Rai, Resident of Village - Taraon, P.S.- Nasriganj, District - Rohtas.
5. Rajesh Rai, Son of Rajendra Rai, Resident of Village - Taraon, P.S.- Nasriganj, District - Rohtas.
6. Brajesh Rai, Son of Rajendra Rai, Resident of Village - Taraon, P.S.- Nasriganj, District - Rohtas.
7. Shyam Narayan Rai, Son of Nanhaku Rai, Resident of Village - Taraon, P.S.- Nasriganj, District - Rohtas.
8. Amresh Kumar Rai, Son of Kamta Rai, Resident of Village - Taraon, P.S.- Nasriganj, District - Rohtas.
9. Vishal Rai, Son of Prasuram Rai, Resident of Village - Taraon, P.S.- Nasriganj, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Rai, Son of Ram Niwas Rai, Resident of Village - Taraon, Police Station - Nasriganj, District - Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Advocate
For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-12-2019 This application has been filed for quashing of order dated 05.06.2018 passed by the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Rohtas, Sasaram, by which, he has taken cognizance under Sections 147, 149, 323, 504 of IPC and Section 47 of Excise Act and Sections 25(1-b) a, 26, 35 & 27 of the Arms Act.



The grounds for quashing of order of taking cognizance is that no injury report is available on the record as well as due to the fact that there was dispute with respect to election, petitioners are made accused in this case and cognizance has been taken against them without considering the same.

Heard learned APP for the State also, who has opposed the prayer for quashing of order on the ground that taking cognizance under Section 323 IPC, there is no necessity of availability of injury report. So far submission that they have falsely been implicated in this case, due to rivalry of panchayat election, it has been submitted that this is not the stage to consider the same.

Having heard both sides and perused the materials available on record, from which, it appears that a *prima facie* case is made out against the petitioners, in such view of the matter, I am not inclined to interfere with the order taking cognizance, as such, this application stands dismissed with liberty to the petitioner to raise this point at an appropriate stage.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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