

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76821 of 2019

Arising Out of PS. Case No.-36 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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1. RANJEET SHARMA Son of Sahdeo Mistri @ Satyanarayan Mistri Resident of Village- Alampur (Kachchi Dargah), P.S.- Didarganj, District- Patna.
 2. Rishav Kumar @ Rishav Kumar Sharma Son of Ranjeet Sharma Resident of Village- Alampur (Kachchi Dargah), P.S.- Didarganj, District- Patna.
 3. Sanju Devi Wife of Ranjeet Sharma Resident of Village- Alampur (Kachchi Dargah), P.S.- Didarganj, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Archana Devi Wife of Chandan Sharma Resident of Village- Alampur (Kachchi Dargah), P.S.- Didarganj, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-11-2019 Heard learned counsel for the petitioners and the
learned counsel for the State.

The present petition has been filed for quashing the order dated 20.05.2015 passed by the learned Judicial Magistrate, 1st Class, Patna City, Patna in Complaint Case No. C.A. 36/2015, whereby and whereunder the learned Magistrate has taken cognizance against the petitioners under Sections 323, 379, 427 and 504 of the Indian Penal Code.

The case of the complainant in brief is that the



complainant on the alleged date and time of incident was serving food to her family members whereupon the accused persons i.e. the petitioner herein had barged into the house of the complainant and had started assaulting the family members of the complainant as also the petitioner no. 3 had punched the complainant by her fist in her abdomen and since the complainant was nine month's pregnant, she started bleeding. Thereafter, the accused persons are said to have taken away certain articles, jewellery, cash etc. from the house of the complainant and had then fled away, when alarm was raised by the complainant and the neighbours started collecting at the place of incident.

The learned counsel for the petitioners has submitted that no such incident as alleged by the complainant has ever taken place and in fact the petitioners have been falsely implicated by way of the aforesaid complaint filed by the complainant of the connected complaint case. It is further submitted that the petitioners are agnate of the complainant and no independent witnesses have been examined during the course of enquiry, hence the impugned order dated 20.05.2015, by which cognizance has been taken by the learned court below, is fit to be quashed.



I have heard the learned counsel for the petitioner and I find from a bare perusal of the complaint petition, as also the evidence adduced by the complainant on oath as also the deposition of the complainant witness no. 2, adduced during the course of enquiry, that a prima faice case is definitely made out to proceed in the matter, hence I do not not find any reason to interfere with the order dated 20.05.2015, whereby and whereunder the learned Judicial Magistrate, 1st Class, Patna City, Patna has taken cognizance against the petitioners under Sections 323, 379, 427 and 504 of the Indian Penal Code and directed to issue summons against the petitioners.

Having regard to the facts and circumstances of the case and for the reasons mentioned herein above, the present petition is dismissed, being devoid of any merit.

(Mohit Kumar Shah, J)

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