

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2116 of 2020**

Arising Out of PS. Case No.-185 Year-2017 Thana- GHANSHYAMPUR District- Darbhanga

SARWAN MANDAL Son of Arjun Mandal Resident of Village - Mansara,  
P.S.- Ghanshyampur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Narsingh Tanti

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      16-01-2020                      Heard the parties.

This application has been filed for quashing of order dated 21.10.2019 passed by the SDJM, Biraul, Darbhanga in Ghanshyampur P.S.Case No.185 of 2017, by which he has taken cognizance under Sections 341, 323, 307, 324 and 302, 504/34 of the Indian Penal Code.

Prosecution case in short is that Ghanshyampur P.S.Case No.185 of 2017 was lodged against the petitioner and other accused persons that they came variously armed in the court yard of the informant and assaulted by knife on the head of the daughter of the informant and thereafter all the accused persons pulled the informant and brutally assaulted by rod , knife and hammer to the informant and her husband. It further appears that her husband died later on during treatment. It also



appears that the charge-sheet has been submitted only against the petitioner and the allegation was not found true, accordingly the cognizance was taken by the impugned order, as such the order taking cognizance has been challenged by the petitioner on the ground that the case was not found true against the other accused persons and only against the petitioner the cognizance has been taken.

Heard learned APP.

Having both sides and from perusal of the FIR, it appears that there is allegation against the petitioner of assault by knife to the daughter of the informant and further allegation is that the other accused persons assaulted the deceased.

Considering the above, it appears that there is *prima facie* allegation against the petitioner so far this petitioner is concerned and only against the other persons the charge sheet has been submitted.

Accordingly, I find no merit in this application. As such this application is dismissed.

**(Vinod Kumar Sinha, J)**

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