

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4182 of 2020

Arising Out of PS. Case No.-532 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Pramod Kumar, Son of Brijnandan Singh, Resident of Village - Andauli, P.S.- Saksohara, District - Patna.
 2. Sanjay Kumar @ Sanjay Singh, Son of Nanan Singh, Resident of Village - Andauli, P.S.- Saksohara, District - Patna.
 3. Ritesh Kumar, Son of Sapati Singh, Resident of Village - Andauli, P.S.- Saksohara, District - Patna.
 4. Sarita Devi, Wife of Sanjay Kumar, Resident of Village - Andauli, P.S.- Saksohara, District - Patna.
 5. Seema Devi, Wife of Pramod Kumar, Resident of Village - Andauli, P.S.- Saksohara, District - Patna.
 6. Priyanka Devi, Wife of Mukesh Kumar, Resident of Village - Andauli, P.S.- Saksohara, District - Patna.
 7. Binita Devi, Wife of Lakshmi Singh, Resident of Village - Andauli, P.S.- Saksohara, District - Patna.
 8. Pinku Singh, Son of Janak Singh, Resident of Village - Andauli, P.S.- Saksohara, District - Patna.

... .. Petitioners

Versus

1. The State of Bihar
2. Dharmshila Devi, Wife of Arun Singh, Resident of Village - Andauli, P.S.- Saksohara, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Babu Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-01-2020 This application has been filed for quashing of the order taking cognizance dated 01.10.2019 passed by the learned Judicial Magistrate, 1st Class, Barh, in Complaint Case No. 532 of 2019, by which, after enquiry, finding a *prima facie* case under Section 323, 341, 379 and 504 of IPC, processes have been issued against the petitioners.



Prosecution case in short is that accused persons came to the house of the complainant and assaulted her, torn her blouse and snatched golden ring and golden chain worth Rs.30,000/-. All the petitioners are named in the complaint petition.

It appears that after enquiry, finding a *prima facie* case under Section 323, 341, 379 and 504 of IPC against the petitioners, processes have been issued, against which, the present application has been filed.

Submission of learned counsel for the petitioners is that there is a case and counter case between the parties. They are Gotiyas and due to that they have falsely been implicated in this case.

Heard learned APP also, who has opposed this application on the ground that after enquiry, finding a *prima facie* case under Section 323, 341, 379 and 504 of IPC against the petitioners, processes have been issued against the petitioners.

It has further been submitted that from perusal of the complaint petition, it appears that there are allegation against the petitioners. They are also named in the complaint petition. As such, there is no merit in this application.



Having heard both sides and perused the complaint petition and other materials available on the record, which disclosed that petitioners are named in the complaint petition. There are allegation of assault, snatching the golden ornaments and other articles. Considering the same, I find no merit in this application.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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