

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87165 of 2019

Arising Out of PS. Case No.-1111 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. MD. KAYUM Son of Late Suleman Mian Resident of Village - Damodarpur, P.S. - Goh, District- Aurangabad (Bihar).
 2. Md. Ismaeel Son of Md. Kayum Resident of Village - Damodarpur, P.S. - Goh, District- Aurangabad (Bihar).
 3. Md. Israeel Son of Md. Kayum Resident of Village - Damodarpur, P.S. - Goh, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Shahnaj Khatoon Wife of Late Shamshed Alam Resident of Village - Ganj Mohalla, P.S. - Aurangabad Town, District- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-01-2020 Heard learned Counsel for the petitioners and the
learned Counsel for the State.

This application has been filed for quashing the order dated 21.2.2019 passed by Judicial Magistrate, 1st Class, Aurangabad in Complaint Case No. 1111 of 2018, Trial No. 683 of 2019 by which cognizance for the offence under Sections 323, 452, 379 and 504/34 IPC has been taken against the petitioners.

It is submitted by learned Counsel for the petitioners that the criminal prosecution has been initiated with malafides



and only as a counter blast to the earlier prosecution instituted by petitioner No. 1 in Goh PS Case No. 272 of 2018. The falsity of the allegations and the malafide issue would be raised by the petitioners at the appropriate stage and prayer would be made for discharge on account of aforesaid reasons.

In view of such submission, instant application is disposed of with the aforesaid liberty to the petitioners.

Rejection of the instant application would not prejudice the petitioners' application which is to be filed.

(Madhuresh Prasad, J)

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