

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80121 of 2019

Arising Out of PS. Case No.-514 Year-2012 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Ranvijay Singh @ Ranvijay Prasad Singh, Son of Rajendra Prasad Singh Resident of Temple Road, Barari, P.S.- Barari, District- Bhagalpur
 2. Sanjeev Kumar Singh @ Mani Singh Son of Anant Singh Resident of Amrit Lal Lane, Barari, P.S.- Barari, District- Bhagalpur
 3. Kameshwar Mishra Son of Ratneshwar Mishra Resident of Mohalla - Tilkamanjhi, P.S.- Kotwali, District- Bhagalpur
 4. Md. Ashraf Ahmad Son of Late Halim Resident of Tilkamanjhi Chowk, Behind Basant Baha, Saheb and Sahiba Cloth Shop, P.S.- Barari, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deep Shikha Nand Parina @ Deep Shikha Parina D/O - Raghunath Mandal Resident of Village and P.S. - Sabour, District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 08-01-2020

Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. By filing the application, the petitioners have invoked extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure against the summoning order dated 02.04.2015 passed in Compliant Case No. 514 of 2012, whereunder the court of Sri Mukesh Kumar, J.M.1st



Class, Bhagalpur summoned petitioners on inquiry under Section 204 Cr.P.C. finding prima facie case under Sections 420 and 406 of the Indian Penal Code.

3. Learned counsel appearing on behalf of petitioners submits that, initially, the O.P. No.2 Deep Shikha Nand Parina @ Deep Shikha Parina filed the Complaint Case No. 1122 of 2011 in the Court of Chief Judicial Magistrate, Bhagalpur, which was sent to the Police Station under Section 156(3) Cr.P.C. for investigation. Thereafter, on the basis of the said compliant case, Kotwali P.S. Case No. 75 of 2002 was instituted in which after investigation, Police submitted Final Form on 31.05.2002. Thereafter, O.P. No.2 filed Protest petition, which was treated as Compliant Case No. 514 of 2012 in which after inquiry, the petitioners have been summoned, illegally, finding prima facie case under Section 420 and 406 of the Indian Penal Code, as Final form had already been submitted finding the case untrue against the petitioners. The learned Magistrate was only required to see prima facie case on the basis of the material available in course of inquiry.

4. On going through the impugned order, I do not find any illegality amounting to abuse of process of Court for interference in extraordinary jurisdiction under Section 482



Cr.P.C. Accordingly, this application is dismissed.

(Rajendra Kumar Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	N.A
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