

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87273 of 2019

Arising Out of PS. Case No.-2768 Year-2019 Thana- SARAN COMPLAINT CASE District-
Saran

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1. RAM CHARAN SINGH Son of Late Nainarayan Singh Resident of Mohalla - Nilami Kothi, Daulatganj, P.S.- Bhagwan Bazar, District - Saran at Chapra.
 2. Raghvendra Kumar Singh @ Raghvendra Singh @ Pappu Singh Son of Ramcharan Singh Resident of Mohalla - Nilami Kothi, Daulatganj, P.S.- Bhagwan Bazar, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Abhishek Son of Late Ramesh Kumar Singh Resident of Mohalla - Katra Baradari, P.S.- Bhagwan Bazar, District - Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 08-01-2020

Heard learned counsel for the petitioners and learned APP
for the State.

The instant petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), has been filed for quashing the order dated 27.08.2019, passed by learned Judicial Magistrate, 1st Class, Saran at Chapra in Enquiry Case No. 126 of 2019, arising out of Complaint Case No. 2768 of 2019 by which the learned Court below has taken cognizance against the petitioners for the offence under Sections 323, 379, 504 and 384 of the Indian Penal Code.



Prosecution case as stated against the petitioners is that the petitioners have abused and threatened the complainant for coercing them for executing land sale deed in favour of the accused persons. There is also allegations made in the complaint petition regarding demand of *Rangdari* and snatching of amounts from the complainant's possession. The *prima facie* ingredients for the offences under Sections 323, 379, 504 and 384 of the Indian Penal Code are to be found in the complaint petition. In the said background, the counsel for the petitioners submits that the criminal prosecution is intended with *mala fide* as, in fact, the complainant wants to capture the lands of the petitioners. It is also pointed out that there is variance in the statements of the complainant recorded on solemn affirmation in respect of the amount allegedly snatched from the petitioners, from that which has been stated in the complaint petition.

The submission is that the petitioners have falsely been implicated in the instant case. The submissions advanced by the petitioners' counsel are issues which can very well be considered by the Court below at the appropriate stage. At the stage of taking cognizance the Court was required to see *prima facie* ingredients of the offence, for which, cognizance had been taken. The same having been found in the complaint petition



and duly supported in the solemn affirmation, taking of cognizance by the Court below cannot be faulted. The petitioners, however, would be at liberty to take advantage of any discrepancy, as alleged or raise the issue of false implication, at the appropriate stage.

The application is devoid of merit and is, accordingly, dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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