

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86349 of 2019

Arising Out of PS. Case No.-35 Year-2017 Thana- SC/ST District- Madhubani

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1. Kusheshwar Mandal, Son of Late Chaudhary Mandal, Resident of Village-Vikrampur Balia, P.S.-Sakri, District-Madhubani.
 2. Maheshwar Mandal Son of Late Chaudhary Mandal Resident of Village-Vikrampur Balia, P.S.-Sakri, District-Madhubani.
 3. Singheshwar Mandal, Son of Late Chaudhary Mandal, Resident of Village-Vikrampur Balia, P.S.-Sakri, District-Madhubani.
 4. Sunita Devi, Wife of Kusheshwar Mandal, Resident of Village-Vikrampur Balia, P.S.-Sakri, District-Madhubani.
 5. Mahakali Devi @ Kalani Devi, Wife of Singheswar Mandal, Resident of Village-Vikrampur Balia, P.S.-Sakri, District-Madhubani.

... .. Petitioners

Versus

1. The State of Bihar
2. Lakhi Devi, Wife of Jag Mohan Das, Resident of Village-Balia Vikrampur Brahmsthan, P.S.-Sakri, District-Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate
For the Opposite Party/s : Mr. Usha Kumari-1, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 2 07-01-2020 This application has been filed for quashing the order taking cognizance dated 16.04.2019 passed by the learned Special Judge (SC/ST Act), Madhubani in Madhubani Sadar SC/ST P. S. Case No. 35 of 2017, C.R. No. 8 of 2018, G. R. No. 60 of 2017, by which, on a protest petition, the learned court below after enquiry, finding a *prima facie* case taken cognizance against the petitioner, under Sections 323, 341, 504 of IPC and Section 3(i) (x) of the SC/St Act, processes have been issued against the petitioner.



The ground for quashing is that earlier with respect to the sale of land, a title suit was filed by the informant/complainant, that is still pending before a Civil Court of competent jurisdiction and thereafter, the present case has been filed by the complainant in order to pressurize the petitioner. There is a land dispute between the parties.

Heard learned APP also, who has opposed this application.

Having heard both sides, in view of the submissions, made above, at this stage, I am not inclined to interfere with the order taking cognizance against the petitioner. As such, this application is disposed of with a direction to the petitioner to raise all his points at the time of framing of charge or at any appropriate stage, which will be considered by the learned trial court on the basis of the materials available on the record and be disposed of by a reasoned order.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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