

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18345 of 2020

Arising Out of PS. Case No.-168 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. MANOJ KUMAR RAM Son of Late Shankar Ram Resident of Village - Chandchaur Rahimtola, P.S.- Ujiarpur, District - Samastipur.
 2. Manish Kumar Ram Son of Vinod Kumar Ram Resident of Village - Chandchaur Rahimtola, P.S.- Ujiarpur, District - Samastipur.
 3. Sapna Devi Wife of Rajesh Kumar Ram Resident of Village - Chandchaur Rahimtola, P.S.- Ujiarpur, District - Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Poonam Kumari Wife of Chandan Kumar Ram Resident of Village - Chandchaur Rahim Tola, P.S.- Ujiarpur, District - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Singh, Advocate
For the State	:	Mr.Jai Narain Thakur, APP
For the O.P. No. 2	:	Mr. Jitendra Narain Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

CAV ORDER

4 05-09-2022 I have already heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State and the learned counsel for the informant.

The petitioners have challenged the order dated 13.09.2017 passed by the Sub-Divisional Judicial Magistrate, Dalsingsarai (Samastipur) in Complaint Case No. 168 of 2017, whereby cognizance has been taken against them under Sections 341, 323, 504, 380, 506 and 34 of the Indian Penal Code and also against the order dated 22.01.2020 passed by the learned



Additional Sessions Judge, Dalsingsarai in Criminal Revision No. 903 of 2017, whereby the order passed by the learned Magistrate, taking cognizance against the petitioners has been confirmed.

The learned counsel for the petitioners has submitted that the learned court below should have disbelieved the entire allegation, as the material is similar, but the learned court below exonerated five persons and had taken cognizance against five persons including the petitioners. It has been submitted further that petitioner no. 2, at the time of occurrence, was residing in Bhutan and petitioner no. 3, Sapna Devi is permanently residing with her husband in Mumbai.

The brief fact of this case is that the ten named accused persons equipped with arms came to the house of the informant and they abused her in filthy words. Petitioner no.1 exhorted other persons to assault and also said that it was the informant, who was not permitting the earlier case to be withdrawn. The earlier case was Ujiarpur P.S. Case no.41/2017, in which the petitioners and other accused persons assaulted the father-in-law of the informant.

The learned counsel for the informant has opposed the submission of the learned counsel for the petitioners.



The learned revisional court in paragraph 6 of its order, has mentioned specifically that during inquiry, the witnesses have specifically named the petitioners along with other two accused persons against whom the cognizance has been taken. The witnesses have named all the petitioners, as such, both the courts below have found the case *prima facie* true against the petitioners also.

I do not find any reason to interfere with the impugned order. Accordingly this criminal miscellaneous petition is dismissed.

(Nawneet Kumar Pandey, J)

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