

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36436 of 2021

Arising Out of PS. Case No.-239 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. DIWAKAR SHARMA Son of Shyamsundar Sharma Proprietor Krishna Misthan Bhandar, Resident of Shahid Road Gaya, P.S.- Kotwali, District- Gaya.
 2. Nawal Prasad Son of Late Murat Lal Proprietor Famous Cycle Shop, Resident of Shahid Road, P.S.- Kotwali, District- Gaya.
 3. Rajiv Kumar Kanhaiya Son of Anil Singh Resident of Shahid Road Gaya, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Harendra Kumar Singh Son of Late Ram Pravesh Singh Resident of Village- Gere, P.S.- Muffasil, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha
For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-05-2022 Heard Mr. Nand Kishore Prasad Sinha, learned
counsel for the petitioners.

The present application has been filed for quashing the order dated 19-01-2019 passed by learned Addl. Chief Judicial Magistrate Xth, Gaya in Complaint Case No. 239 of 2017, Tr. No. 1216 of 2019 by which cognizance under Sections 323, 379 and 504 of the IPC has been taken against the petitioners.

The petitioners have challenged the order of



cognizance on the ground that the learned Magistrate while taking cognizance against the petitioners did not record that *prima facie* case under Sections 323, 379 and 504 of the IPC is made out. He further submits that there is land dispute between the parties and Title Suit is pending.

I have perused the impugned order taking cognizance against the petitioners. It appears that the learned Magistrate after going through the solemn affirmation of the complainant, statement of the witnesses produced during the course of inquiry has found sufficient reasons to proceed against the accused petitioners.

Accordingly, the submission advanced by the petitioners that no *prima facie* case is made out is untenable.

The quashing application is rejected.

(Anil Kumar Sinha, J)

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