

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47701 of 2013

Arising Out of PS. Case No.-272 Year-2009 Thana- DALSINGHSARAI District- Samastipur

1. Vishwajeet Kumar @ Gaurav Kumar and Anr. Son Of Late Arun Sah Resident Of Village- Gadhsesai, P.S.- Vidyapati Nagar, District- Samastipur.
2. Indrajeet Kumar @ Mantun Kumar Son Of Late Arun Sah Resident Of Village- Gadhsesai, P.S.- Vidyapati Nagar, District- Samastipur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Ambika Bhagat Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

6 21-04-2022 In this petition under Section 482 of the Cr.P.C., petitioners/ accused are challenging the order dated 15.04.2011 passed by the learned trial court taking cognizance of the offences punishable under Sections 341, 323, 504 read with Section 34 of the IPC as well as Section 3(x) of SC/ST (Prevention of Atrocities) Act.

Heard both sides.

The learned counsel for the petitioners/ accused persons argued that even if the FIR is perused then there is no averment regarding causing of wound. Therefore, in his



submission, the impugned order cannot be sustained.

I have considered the submissions so advanced and perused the FIR. The FIR contains categorical averments of giving abuses as well as beating the first informant by the present petitioners. Section 319 of the IPC defines the term hurt and said definition reads thus:-

319. Hurt-Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

Thus causing bodily pain amounts to hurt and in the case in hand allegations are regarding beating the victim by the petitioners.

The learned counsel for the petitioners further submits that as the quashing petition is of the year 2013 and as the trial has not completed, the proceeding should be quashed. These submissions are beyond the scope of enquiry in the instant case because what is required to be seen in the instant case is whether the learned trial court was justified in noting that there were sufficient grounds for proceeding against the petitioners.

Perusal of the impugned order as such shows that the learned trial court has found that there were sufficient



grounds to proceed against the petitioners. No infirmity can be found in the impugned order and therefore, the petition is rejected.

(A. M. Badar, J)

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