

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45332 of 2021

Arising Out of PS. Case No.-410 Year-2019 Thana- KHAIRA District- Saran

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1. ASHOK KUMAR MISHRA Son of Subhash Mishra Resident of Village - Banni, P.S.- Khaira (Nagra), Distt.- Saran (Chapra).
 2. Rajnish Kumar Mishra Son of Ashok Kumar Mishra Resident of Village - Banni, P.S.- Khaira (Nagra), Distt.- Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Vidyawati Devi W/o Ramesh Mishra Resident of Village - Banni, P.S.- Khaira (Nagra), Distt.- Saran (Chapra).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 28-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The present application has been filed for quashing the order dated 05.01.2021 passed by Smt. Rubi Kumari, the learned Judicial Magistrate - 1st Class, Chapra, Saran in Trial no. 2914 of 2021 arising out of Khaira (Nagra) P.S. Case No. 410 of 2019 whereby and whereunder cognizance has been taken under Sections 341, 323, 504/34 of the Indian Penal Code against three persons namely Ashok Kumar Mishra (Petitioner No. 1),



Rajnish Kumar Mishra (Petitioner No. 2) and another.

From perusal of the order dated 05.01.2021 passed by Smt. Ruby Kumari, the learned Judicial Magistrate - 1st Class, Chapra, Saran in Trial No. 2914 of 2021, it shows that same has been passed with due application of mind on the basis of charge-sheet and case diary and after finding a prima facie is made out against the petitioners and other on the basis of accusation made in the F.I.R.

Considering the facts and circumstances of the case and also that a prima facie case has been found against the petitioners having regard to the accusations in the First Information Report and the materials available on record, this Court is not inclined to interfere with the impugned order dated 05.01.2021 at this stage, accordingly, the petition stands dismissed.

(Alok Kumar Pandey, J)

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