

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 10948 of 2021**

Arising Out of PS. Case No.-1335 Year-2013 Thana- GAYA COMPLAINT CASE District-
Gaya

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NIRANJAN KUMAR AWASTHI S/o Late Daya Shankar Awasthi R/o
Village-Guraru, P.S-Guraru, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nirmal Kishor Awasthi S/o Sri Shiv Shankar Awasthi R/o Village-Guraru,
P.S.-Guraru, District-Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Kumar Binode Bariar, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 28-04-2022 Heard learned counsel for the parties.

As per the prosecution case, set out in the complaint petition, along with other accused persons, the petitioner has created fear at the complainant's shop. There is specific allegation against the petitioner of having snatched Rs 12,000/- from the cash box of the complainant. Other co-accused persons were present with firearm and have also indulged in snatching money and jewellery. It is alleged that all the accused persons have also assaulted the complainant by fists and slaps.

This application has been filed for quashing of the



order dated 03.06.2014 passed by learned Additional Chief Judicial Magistrate (for brevity, *ACJM*) VII, Gaya in Complaint Case No 1335 of 2013 whereby the learned *ACJM* VII has issued summons against the petitioner after taking cognizance for the offence punishable under Sections 341, 323, 379, 506/34 of Indian Penal Code.

From perusal of the impugned order and the complaint petition, it is quite obvious that the ingredients of the offence, for which cognizance has been taken, are made out, based on the uncontroverted allegations made in the complaint petition.

Submission of the petitioner's counsel that the prosecution is tainted with mala fide and based on extraneous considerations, is a factual submission which, if raised, is required to be considered at the appropriate stage by the trial Court.

No case is made out for exercise of jurisdiction under Section 482 of Criminal Procedure Code for quashing the criminal prosecution at this stage.

This application is disposed of.

It is made clear that this Court has not expressed any opinion on the merits of the allegations, made in the complaint



petition.

(Madhuresh Prasad, J)

M.E.H./-

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