

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10967 of 2021

Arising Out of PS. Case No.-37 Year-2018 Thana- TANDWA District- Aurangabad

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1. Bipin Ram, aged about 21 years, S/o Prahalad Ram R/o village- Harihar-Urdana, Post- Kalapahar, P.S.- Tandawa, District- Aurangabad, Bihar, PIN- 824123
 2. Premjay Ram, aged about 22 years, Gender-male, S/o Dilleshwar Ram R/o village- Harihar-Urdana, Post- Kalapahar, P.S.- Tandawa, District- Aurangabad, Bihar, PIN- 824123

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ranjit Jha, Adv.
For the Opposite Party : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The instant petition, under section 482 of the Code of Criminal Procedure, 1973 (for short ‘ the Code’) has been filed for quashing the order dated 17-12-2018 passed by learned Additional Chief Judicial Magistrate VII, Aurangabad, whereby cognizance has been taken against the petitioners under Sections 147, 149, 341, 323, 337, 338, and 504 of the Indian Penal Code



against the petitioners.

It is the petitioners' case that the instant petitioners are labourers and they have falsely been implicated in this case. In fact, the informant is an antisocial element and has always been obstructing government development work.

The learned APP has opposed the prayer. It is pointed out from the First Information Report that against the petitioner No.1, there is specific allegation of assault against two persons, namely, Shashi Ranjan Kumar Singh and Om Prakash Singh. Against petitioner no.2, there is specific allegation in the First Information Report that he has set ablaze some hut.

The factual assertions made by the petitioners' counsel are irrelevant for the purposes of quashing of the proceeding under Section 482 of the Code.

The application is dismissed.

(Madhuresh Prasad, J)

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