

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11238 of 2023

Arising Out of PS. Case No.-395 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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HARI SHANKAR PRASAD KASHYAP Son of Sri Pati Pandey R/o Navin Nagar, Puranil Kalali, Gondpur Police Station, the then Officer-in-charge Kharik Police Station, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. PUSHPA DEVI Wife of Raj Kumar Singh R/v- Abbhi, Police Station, Kharik, District- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh
For the Opposite Party/s : Mr. Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-02-2023 Heard the parties.

This application has been filed for quashing the order dated 24.03.2022 passed in Complaint Case No. 395 of 2019 by which the cognizance has been taken against the petitioner by Additional Chief Judicial Magistrate, Naugachiya (Bhagalpur).

The prosecution story in short is as follows:-

“The case of the complainant is that on 24.07.2019 at about 01.00 A.M., the complainant was sleeping at her home with her family. Harishankar Kashyap entered into complainant's house forcibly and pushed the complainant. Hari Shankar Kashyap asked the complainant where are her brother-in-law Bhavikishan Singh and Mohit Kumar. Both are in the



business of stealing motorcycles and keeping it in their house. Complainant told the accused that he may search her whole house. Hari Shankar searched the whole house of the complainant but no motorcycle was found. Thereafter, Hari Shankar Kashyap uttered abuses to the complainant and asked her to deposit the stolen motorcycle. Complainant replied that there is no motorcycle. Upon this Hari Shankar Kashyap became furious and assaulted the complainant with handle of a rifle. Complainant sustained head injury and fell on the ground. Accused pulled the Saree of the complainant and threatened that if the complainant would make any complaint, he would beat her. The complainant got treated at Sadar Hospital Bhagalpur and JLNMCH, Bhagalpur”.

Upon perusal of complaint petition, it seems that offence is made-out and there is no merit in this petition.

Accordingly, this application is dismissed with liberty to the petitioner to raise his grievances at an appropriate stage.

(Sandeep Kumar, J)

Vikas/Shishir

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