

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7113 of 2023

Arising Out of PS. Case No.-211 Year-2017 Thana- GOPALPUR District- Bhagalpur

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1. Naresh Mandal S/O Late Soti Mandal
 2. Shila Devi W/O Naresh Mandal.
Both are resident of Village - Lakshman Mandal Tola, Post Bhidas Tola Tintanga, P.S.- Rangara Chauk, District- Bhagalpur.
 3. Devbrat Kumar S/O Sahdev Prasad Mandal Resident of village- Chausa, District- Madhepura.

... .. Petitioners

Versus

1. The State of Bihar
2. Suresh Mandal, son of late Soti Mandal Resident of Village- Lakshman Mandal Tola, Tintanga P.S.- Rangara Chauk, District- Bhagalpur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Shivnandan Sah, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 27-02-2023 Heard learned counsel for the petitioners and
learned APP for the State.

This application has been filed for quashing of order dated 14.11.2022 passed by learned A.C.J.M.-III, Naugachiya, District- Bhagalpur, in connection with Gopalpur (Rangre) P.S. Case No. 211 of 2017 (G.R. No. 1150 of 2017), by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section 379, 406, 504, 506, 417, 419, 420, 467 and 468 of the Indian Penal Code and under Section 27 of the Arms Act and under Section 76 of the Chit Funds Act.



As per the F.I.R., the petitioners were running a fictitious bank in the name and style of Saraswati Vikash Samiti. It is alleged that the petitioners induced the informant to deposit money in the said bank on the assurance that his money would become double. Accordingly, the informant deposited different amounts on different dates with a hope that his money would become double. It is further alleged that when the informant demanded his matured/double amount, the petitioners started abusing and assaulting him and also snatched his wrist watch as well as Rs.1100/- cash from the pocket of the informant and also threatened him.

On perusal of the F.I.R., it appears that *prima facie* case is made out against the petitioners. Further, the petitioners have not been able to make out a case for quashing of the order dated 14.11.2022 taking cognizance against the petitioners.

Accordingly, this quashing petition stands dismissed. However, the petitioner is at liberty to raise all the grounds, as available under the law, at an appropriate stage.

(Sandeep Kumar, J)

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