

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22671 of 2023

Arising Out of PS. Case No.-787 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. SHAILENDRA JHA @ SATYENDRA SON OF LATE CHANDRA NARAYAN JHA RESIDENT OF VILLAGE - SARHAD SHAHPUR, P.S. - PANDAUL, DISTT. - MADHUBANI.
 2. DR. RAUSHAN KUMAR SON OF KEDAR PRASAD RESIDENT OF KISHORI LAL CHAUK, WARD NO. 11, MADHUBANI, P.S. - MADHUBANI, DISTT. - MADHUBANI
 3. MALA KUMARI WIFE OF DR. RAUSHAN KUMAR RESIDENT OF KISHORI LAL CHAUK, WARD NO. 11, P.S. - MADHUBANI, DISTT. - MADHUBANI
 4. MD. ALAM SON OF LATE MD. YUSUF RESIDENT OF SANT NAGAR, WARD NO. 4, P.S. - MADHUBANI, DISTT. - MADHUBANI

... .. Petitioners

Versus

1. The State of Bihar
2. ABHAY RANJAN @ LUCKY SON OF SRI SUDHANSHU KUMAR RESIDENT OF KISHORI LAL CHOWK, P.S. - TOWN, DISTT. - MADHUBANI

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Rashid Izhar
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 18-10-2023 The petitioners have questioned the correctness of an order dated 23.03.2021 passed in C.R. No.787/2019, whereby the learned court below has taken cognizance of the offences punishable under Sections 323, 341, 504 and 506 of the IPC, based on a complaint petition filed by opposite party No.2.

2. Learned counsel appearing on behalf of the petitioners has submitted that petitioner No.2 runs a clinic and the petitioners No. 1 and 4 are employees therein, whereas



petitioner No.3 is wife of petitioner No.2. He submits that registration of the complaint case is a counter blast to Madhubani P.S. Case No. 241 of 2019, which was filed by an employee of petitioner No.2. Against the order of cognizance, the petitioners had preferred a revision application, which was dismissed by an order dated 16.08.2022 passed by learned Additional Sessions Judge-IX, Madhubani, in Criminal Revision No. 176/2021, which order is also under challenge in the present application.

3. Learned counsel for the petitioners has also submitted that as a matter of fact the complainant with other persons had entered into the clinic and had ransacked the clinic of petitioner No.2 in respect of which the said FIR was registered in 2019.

4. The submissions, which are being advanced in the present proceeding under Section 482 of the CrPC, are in the nature of defence, which the petitioner can take at appropriate stage of enquiry/trial.

5. This application is accordingly dismissed with the observation as above.

(Chakradhari Sharan Singh, J)

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