

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31246 of 2015

Arising Out of PS. Case No.-720 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Ishwar Das S/o Prabandh Das
 2. Baijnath Das
 3. Ashok Das
 4. Nanhak Das
 5. Karu Das All 2 to 4 Sons of Ishwar Das
 6. Binda Devi Wife of Ishwar Das All residents of Village - Sah Salempur
Pachhami Malahi, P.S. - Barh, District - Patna.
 7. Sanjay Singh
 8. Pramod Singh @ Karu Singh Both son of Late Mahendra Singh Both
residents of Village - Bichali Malahi, P.S. - Barh, District - Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Chhotelal Sao Son of Late Brahmdeo Sao resident of village - Salempur, P.S.
- Barh, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Adv.
For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-02-2023 Heard learned counsel for the petitioners and the

State.

This is an application for quashing of the order dated
7.8.2014 passed by the learned Judicial Magistrate, 1st Class,
Barh, Patna in Complaint Case No. 720 (c) of 2013 whereby
cognizance was taken under Sections 341, 323, 504, 448, 380 34
of the Indian Penal Code.



As per the prosecution story, the complainant alleged that while he was at his home, the petitioners herein armed variously came and assaulted the complainant and his family members causing injuries. Subsequent allegation is of taking away some money.

The learned Judicial Magistrate, 1st Class, Barh took up the matter on 7.8.2014 and after going through the complaint and examined the witnesses took cognizance under sections 341, 323, 504, 448, 380 34 of the Indian Penal Code.

Aggrieved, the present petition.

Learned counsel for the petitioners submit that the present complaint is counter blast of Barh P.S. Case No. 150 of 2012 in which complainant and his son have been made accused and the same relates to an occurrence in which his daughter was killed and subsequently charge-sheet submitted under Sections 302/34 of the Indian Penal Code to pressurize the petitioners, the present petition.

Learned APP on the other hand submits that so far as this case is concerned, considering the allegation that has come in the complaint, prima facie, the case has been found to be true and the learned Judicial Magistrate, 1st Class, Barh has rightly taken cognizance in the matter.



After going through the rival submissions put forward and considering the allegation that has come in the complaint, certainly this is not a case in which any interference is required.

The petitioners will have all the opportunity to raise the points available to them during the course of the trial.

The petition is without merit and is accordingly dismissed.

(Rajiv Roy, J)

Ajay Singh/-

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