

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38256 of 2015

Arising Out of PS. Case No.-1484 Year-2011 Thana- COMPLAINT CASE District- Jamui

Uday Shankar Ojha son of Rameshwar Prasad Sharma, Resident of Shanti Niketan, Vikramanj, P.S.- Vikramganj, District- Rohtas. Presently posted as Inspector-in-Charge, Railway Protection Force, Mokamah

... .. Petitioner/s

Versus

1. State Of Bihar
2. Kunti Devi, Wife of Late Ramotar Prasad Mathuri, Resident of Village- Helajot, P.S- Jhajha, District- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-02-2023 Heard the parties.

This application has been filed for quashing the order dated 26.06.2012 in Complaint Case No. 1484 C of 2011 passed by the learned Judicial Magistrate, 1st Class, Jumai by which the learned Court below took cognizance under Sections 147, 148, 149, 323, 504, 380 and 384 of the Indian Penal Code against the petitioner.

As per the complaint on 10.11.2011 when she was sleeping in her house with family members, she heard noise and as she opened the door thinking of any neighbour, the petitioner entered her house and after abusing told that her son was asked to pay Rs. 1 lakh which was not provided. The lady told him that they being poor people cannot afford such a huge



amount whereafter other accused persons threatened with pistol and allegation is of beating the family members and after entering room taking away some jewellery and cash. As the neighbour assembled there, they escaped on a 'Bolero'. Accordingly, the FIR was lodged.

Subsequently, learned Judicial Magistrate, 1st Class Jamui took cognizance in the matter under Sections 147, 148, 149, 323, 504, 380 and 384 of the Indian Penal Code on 26.06.2012.

Learned counsel for the petitioner submits that he was in the RPF post at Jhajha and the complainant were in the habit of filing frivolous petition. Further, submission is that her son was picked up in the two cases registered against him on 21.06.2011 and 06.11.2011 and immediately after his transfer from Jhajha, the present complaint was filed.

The last contention is that in one case, the Patna High Court interfered in Cr. Misc. No. 10811 of 2013 while quashing the order dated 13.07.2015 which has been annexed at Annexure 12.

Having gone through the said order, it is clear that in that case certain documents were produced and the High Court was convinced that those documents are unimpeachable in



nature and in that backdrop, relief was granted to the petitioner.

In the considered view of this Court, from the said order it is not clear, which document was provided by the petitioner at the time of hearing of that case to satisfy the bench leading to the relief granted to the petitioner.

So far as this case is concerned, the allegation in the complaint clearly shows accusation against the petitioner and from the concluding part of the allegation, it is clear that the lady had alleged that on earlier occasion also she was threatened of dire consequences as also of putting them in jail by implicating in false case.

In that backdrop as also the fact that the cognizance order is of 2012 (26.06.2012) and a decade has lapsed, it would be an appropriate that the petitioner raise all the points available to him before the Trial Court, if the same still has not been concluded.

This Court does not find any merit in the petition. Accordingly, the petition stands dismissed.

(Rajiv Roy, J)

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