

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66889 of 2018

Arising Out of PS. Case No.-1050 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Mintu Singh @ Mintu Kumar S/o Krishna Singh,
 2. Krishna Singh @ Lal Babu Singh, aged about 46 years, Son of Bhola Singh,
 3. Asha Devi, aged about 60 years, W/o Bhola Singh,
 4. Jyoti Kumari aged about 13 years, D/o Krishna Singh, through her natural Guardian Krishna Singh @ Krishna Kumar Singh, All petitioners from 1 to 4 are resident of Village- Nayka Tola, Haldi Chhapra, Police Station- Maner, P.O.- Maner, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Shail Kumari Devi, aged about 50 years, W/o Rajendra Thakur, Resident of Village- Nayka Tola, Haldi Chapra, P.O.- Maner, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shiw Kumar Prabhakar
For the Opposite Party/s	:	Mr. Rajesh Kumar Sinha, Advocate
		Ms. Anisha Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 11-07-2023 Heard learned counsel for the parties.

This application has been filed for quashing/set aside the order dated 11.09.2018 by which learned court of A.C.J.M.- VI, Danapur has taken cognizance against the petitioners in Complaint Case No. 1050(C) of 2017 for the offence under Sections 147, 323, 354, 427, 380, 504, 506, 34 of the Indian Penal Code.

As per prosecution, complainant file a complaint before learned A.C.J.M.-1st Danapur bearing Complaint Case



No. 1050(C) of 2017 against the petitioners and some unknown persons alleging that that on 04.09.2017 at 8:00 A.M. in the morning some unknown persons entered the house of the complainant forcefully with arms and started abusing the complainant and her family members and when she protested the accused no. 2 assaulted the complainant. He also tried to molest the complainant. She further stated that when her husband protested then accused no. 1 threw him on the ground and beat him with feet and fist and held him captive on the point of rifle. She further stated that in meanwhile the accused no. 3 and 4 came there and abused the complainant and damaged the property worth fifty thousand rupees.

Learned counsel for the petitioners submitted that he will not press the application on behalf of the petitioner no. 2 and 3 for the present, the same is permitted to be withdrawn.

Accordingly, the application on behalf of petitioner no. 2 and 3 is dismissed as withdrawn.

Learned counsel for the petitioners further submits that Mintu Singh, was aged about 19 years was at the time of filing of the application and Jyoti Kumari, was aged about 13 years at the time of filing of the application and they being students have been



falsely been implicated in this case.

Learned APP for the State and learned counsel for the opposite party no. 2 has also opposed the application and has submitted that *prima facie* case is made out against the petitioner no. 1 and 4.

I have gone through the records and found that there is general and omnibus allegation against the petitioner no. 1 and 4 and in these circumstances, considering their age and the fact that they are students their false implication cannot be ruled out.

In view of above, this quashing application is allowed with respect to petitioner no. 1 and 4.

The order dated 11.09.2018 by which learned court of A.C.J.M.-VI, Danapur has taken cognizance against the petitioners in Complaint Case No. 1050(C) of 2017 is hereby quashed with respect to the petitioner no. 1 and 4 only.

The rest of the accused will face prosecution.

(Sandeep Kumar, J)

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