

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40324 of 2015**

Arising Out of PS. Case No.-35 Year-2013 Thana- NAUHATTA District- Saharsa

1. Deep Narayan Sah Son of Late Lalit Sah
2. Mithilesh Sah Son of Late Bramhdeo Sah
3. Raju Kumar @ Raju Kumar Sah Son of Deep Narayan Sah
4. Bipin Kumar Sah Son of Late Gulten Sah
5. Binod Sah Son of Late Gulten Sah
6. Arun Sah @ Arun Kumar Son of Late Gulten Sah All are resident of village
- Nauhatta, P.S. Nauhatta, District - Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Kamleshwari Choudhary Son of Late Jawari Choudhary Resident of village
- Nauhatta, P.S. Nauhatta, District - Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.J.Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-02-2023 No one appears on call.

The petitioners have moved for quashing of order taking cognizance dated 12.01.2015 passed by learned Chief Judicial Magistrate, Saharsa in connection with Nauhatta P.S. case No.35 of 2013 under Sections 341, 323, 307, 504, 506 & 34 of the Indian Penal Code.

As per the prosecution story, Kamleshwari Choudhary alleged that accused persons told him that he will be taking passage from informant's personal land and upon protest



allegation is that not only of abuse but also gave spade blow on the head of the son causing injury. The further allegation is of assaulting the other family members by means of lathi, rod. As the villagers assembled, they escaped.

The police investigated the matter and submitted charge sheet on 19-07-2014. Accordingly, cognizance taken which according to the petitioner was without application of judicial mind.

This Court has gone through the facts and the materials on record and is convinced that the learned Chief Judicial Magistrate has rightly taken cognizance in the matter. However, as no one appears, dismissed for non-prosecution with liberty to raise all issues at an appropriate stage.

(Rajiv Roy, J)

Prakash Narayan /-

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