

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23712 of 2023

Arising Out of PS. Case No.-391 Year-2022 Thana- SIMRI District- Buxar

1. Ravi Rajak Son Of Bhikhari Rajak R/V- Manikpur, Ps- Simari, Dist- Buxar
2. Munna Rajak Son Of Bhikhari Rajak R/V- Manikpur, Ps- Simari, Dist- Buxar
3. Anjani Rajak Son Of Bhikhari Rajak R/V- Manikpur, Ps- Simari, Dist- Buxar
4. Sona Devi Wife Of Bhikhari Rajak R/V- Manikpur, Ps- Simari, Dist- Buxar
5. Bhikhari Rajak Son Of Saryu Dhobi R/V- Manikpur, Ps- Simari, Dist- Buxar
6. Shivji Rajak @ Shivji Dhobi Son Of Saryu Dhobi R/V- Manikpur, Ps- Simari, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

This application has been filed for quashing of order dated 10.02.2023 passed by learned A.C.J.M-IV, Buxar in connection with General Register Case No. 2948 of 2022 (arising out of Simri P.S. Case No. 391 of 2022) by which learned Magistrate has taken cognizance against the petitioners for the offences under Sections 323, 341, 302, 504, 506, 34 of the Indian Penal Code.

Due to land dispute, the accused persons have



assaulted the prosecution side in which one person was died and one person was seriously injured.

It has been submitted by learned APP for the State that Final Form was submitted by the police in which two accused persons were charge-sheeted and other persons were exonerated. Learned Magistrate has differed with the Final Form and taken cognizance against all the accused persons.

From the impugned order, it appears that the learned Magistrate after applying his mind has taken cognizance against all accused persons and there is no illegality in the impugned order.

This Court cannot substitute the opinion of the learned Magistrate by its own opinion.

In view of the above, this application is dismissed with liberty to the petitioners to raise all the grounds at the stage of framing of Charge.

(Sandeep Kumar, J)

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