

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48379 of 2015

Arising Out of PS. Case No.-41 Year-2013 Thana- AMDABAD District- Katihar

-
-
1. Abdul Barik @ Md. Illiyas
 2. Md. Samir @ Samir Both sons of Late Suleman, Both Residents of Village - Bholamari, P.S. - Amdabad, District - Katihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Md. Islam, Son of Late Ainuddin Vishwash, Resident of Village - Bholamari, P.S. - Amdabad, District - Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal, Advocate
For the Opposite Party/s : Mr. R.B. Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The present application has been filed seeking quashing of the order dated 20.11.2013 passed by the learned C.J.M., Katihar in connection with Amdabad P.S. Case No. 41 of 2013 whereby cognizance has been taken under Sections 341, 447, 323, 325, 504 and 34 of the Indian Penal Code against the petitioner.

3. The learned counsel for the petitioners submits that petitioners were falsely indicated in the present case by the informant in Amdabad P.S. Case No. 41 of 2013 and even the police in a mechanical manner investigated the case and submitted charge-sheet based on which cognizance has been



taken. It is next submitted that petitioners were neither aggressors nor were trespassers over the land in question rather the informant himself wanted to grab the land of this petitioner in the name of Masjid. It is further submitted that the land was purchased by the petitioners from one Most. Jayeda Khatoon, wife of Late Hazi Faijuddin dated 15.11.1990 through a registered sale deed and thereafter petitioners came in peaceful possession of the same. Learned counsel further submits that it is highly doubtful that Taslima Khatoon would have brought sickle and *lathi* from the house and would have given it to the petitioners with an intention to assault the informant.

4. The learned A.P.P. for the State vehemently opposes the submissions made by the learned counsel for the petitioners and submits that the plea raised by the learned counsel for the petitioners is in nature of defence which cannot be looked at this stage.

5. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to entertain the instant quashing application.

6. Accordingly, the quashing application is rejected.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

