

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13333 of 2016

Arising Out of PS. Case No.-179 Year-2015 Thana- PATNA CITY CHOWK District- Patna

1. Vijay Kumar Yadav and Ors son of Late Lakshmi Narayan Yadav
2. Subbu Kumar Yadav son of Sri Vijay Kumar Yadav
3. Bickky Kumar Yadav @ Vishal Anand son of Sri Vijay Kumar Yadav All residents of Mohalla Dhawalpura, Behind Chauki, Nehru Tola, P.S. - Chauk, Dist - Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Surendra Prasad Yadav son of Late Laxmi Narayan Yadav resident of Mohalla - Murcha Road, P.S. - Chauk, Dist - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar

For the Opposite Party/s : Mr.Ram Naresh Roy App

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 20-09-2023 1. The cognizance order dated 18-12-2015 passed by learned Judicial Magistrate 1st Class, Patna City in connection with Chauk P.S. Case No. 179 of 2015 has been challenged in the present application. The learned Magistrate being satisfied that *prima facie* case under Sections 341 / 323 / 385 / 504 / 506 / 34 of the Indian Penal Code is made out against the petitioners after taking cognizance directed for issuance of summons against the accused persons i.e. the petitioners.

2. Learned counsel for the petitioners submits that F.I.R. was lodged by the Opposite Party No. 2 alleging therein that all the accused persons [i.e. petitioners] entered into the



shop of informant, abused him and took a sum of Rs. 9500/- from the cash box of the informant and also threatened him. He further submits that the place of occurrence is joint property house of both the parties for which a partition suit is pending before the learned Sub Judge IV, Patna. There is no independent witness regarding the incident.

3. Since from the date of passing of the impugned order in 2015, eight years have already passed and upon query being made by this Court, learned counsel for the petitioners informed that charges have been framed against the petitioners, as such, in view of subsequent development i.e. charges have already been framed against the petitioners; I do not find any reason to interfere with the impugned order.

4. The application stands dismissed.

(Anil Kumar Sinha, J)

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