

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29905 of 2015**

Arising Out of PS. Case No.-3780 Year-2012 Thana- SARAN COMPLAINT CASE District-
Saran

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Manish Kumar Son of Sri Ramadhar Prasad resident of village - Judge Bazar
Bihiya, P.S. Bihiya, District - Bhojpur at Ara

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Brij Bihari Singh @ Jhukki Bhagat Son of Late Sheo Saran Singh Resident
of village - Saidpur, P.S. Dariyapur, District - Saran at Chapra

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh
For the Opposite Party/s : Mr. C. Sen Pd. Singh APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 17-02-2023 Heard the parties.

This is an application for quashing of the order dated
17.04.2013 passed by learned Judicial Magistrate, 1st Class,
Saran at Chhapra in Trial No. 4153 of 2013 arising out of
Complaint Case No. 3780 of 2012, by which the learned
Magistrate has taken cognizance against the petitioner and
others for the offences under Sections 504 and 506 of the Indian
Penal Code.

In the complaint petition filed by the complainant, it
has been alleged that the complainant is running a firm in the



name and style of D.A.C.C. India Limited and this firm is functioning all over India. It is alleged that on 03.11.2022 at about 10.00 A.M. all the accused persons came to the house of the complainant and present petitioner demanded Rs. 50,000/- from the complainant. On refusal, the petitioner and other accused persons forcibly entered into the firm of the complainant and looted an amount of Rs. 3,14,000/-.

It is also alleged that on 06.11.2022 the complainant was arrested in a case in which he has already been granted bail.

It is further alleged that the complainant has also informed about the incident which has occurred on 03.11.2022 to the concerned Superintendent of Police, District Magistrate, Director General of Police, Bihar and Chief Minister of Bihar.

It has been submitted by learned counsel for the petitioner that there is inordinate delay in filing the complaint petition. He further submits that the entire allegations levelled against the petitioner appears to be concocted one and the present complaint has been filed with a view to pressurize the petitioner and other persons who were party to the raid conducted at the house of the complainant.

Learned APP for the State has opposed this application.



I have considered the submission of the parties. I have also gone through the materials available on record including the FIR lodged against the complainant as well as the complaint petition filed by the complainant.

The petitioner, at the relevant point of time, was Station House Officer of Dariyapur Police Station. From persual of the complaint petition, it appears that there are serious allegations against the petitioner for which the Court below has taken cognizance against him. I find no illegality and irregularity in the cognizance order. Further, at the stage of cognizance, this Court cannot hold a mini trial and acquit the accused.

Accordingly this application is dismissed with a direction to the Court below to proceed further in this case expeditiously.

(Sandeep Kumar, J)

Vikas/Shishir

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