

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56302 of 2022

Arising Out of PS. Case No.-401 Year-2018 Thana- ARA NAWADA District- Bhojpur

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1. MAHABIR SINGH S/O LATE RAMNARAYAN SINGH Resident of Village- Vashisth Nagar, Ward No- 16, P.S.- Ara Nawada, Pin Code-802301
 2. KIRAN DEVI W/O MAHABIR SINGH Resident of Village- Vashishth Nagar, Ward No- 16, P.S.- Ara Nawada, Pin Code-802301

... .. Petitioner/s

Versus

1. The State of Bihar
2. UMESH KUMAR SINGH S/O LATE RAMAYAN SINGH Resident of Village- Vashisht Nagar, Ward No- 16, P.O. and P.S.- Ara (Nawada), District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the State	:	Mr. Rabindra Kumar, A.P.P.
For the O.P. No. 2	:	Mr. Arun Kumar Singh, Advocate
		Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

Date : 19-10-2023

Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the opposite party no. 2.

2. The present application has been filed seeking quashing of the order dated 18.08.2022 passed by the learned Chief Judicial Magistrate, Bhojpur at Ara in Ara Nawada P.S. Case No. 401 of 2018 whereby cognizance of the offences under Sections 341, 323, 324, 307, 427, 504 and 506/34 of the Indian Penal Code has been taken against the petitioners.

3. Learned counsel for the petitioners submits that petitioner no. 1 and opposite party no. 2 are own brothers and petitioner no. 2 is wife of petitioner no. 1. It is further submitted that no doubt cognizance



has been taken under Section 307 of the Indian Penal Code but in the nature of injury caused, it would manifest that Section 307 of the Indian Penal Code is not attracted. It is next submitted that on intervention of the well wishers the brothers have compromised the case.

4. Learned counsel for the opposite party no. 2 concurs with the said submissions of the learned counsel for the petitioners and submits that he has instruction to make submission that the opposite party no. 2 does not have any objection in the event if the order taking cognizance is quashed.

5. Considering the joint submissions made by the learned counsel for the parties, the order dated 18.08.2022 passed by the learned Chief Judicial Magistrate, Bhojpur at Ara in Ara Nawada P.S. Case No. 401 of 2018 whereby cognizance of the offences under Sections 341, 323, 324, 307, 427, 504 and 506/34 of the Indian Penal Code has been taken against the petitioners, is hereby quashed.

6. Accordingly, this application stands allowed.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	19.10.2023
Transmission Date	19.10.2023

