

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30924 of 2015

Arising Out of PS. Case No.-14 Year-2014 Thana- AANDAR District- Siwan

1. Chandrika Singh Son of Late Vijay Lal Singh.

2. Ram Surat Singh Son of Ramshray Singh

Both resident of village - Bhitwar, P.S. Andar, District - Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar

2. Hari Shankar Shah Gor Son of Late Rama Shah Gor resident of village -
Bhitwar, P.S. Andar, District - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kalpana Mishra, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 14-03-2023 Heard Mrs. Kalpana Mishra, learned counsel for the
petitioners as also the State.

The petitioners have moved this Court for quashing of the order taking cognizance dated 12.02.2014 passed by learned Chief Judicial Magistrate, Siwan in Andar P.S. Case No.14 of 2014 under Sections 341, 323, 325, 504, 506, 34 of the Indian Penal Code and Section 3(i)(v) of SC/ST Act.

As per the prosecution story, the allegation is that the informant was on litigating term with Chandrika Singh and 144 Cr.P.C. proceeding was also initiated but the accused persons were bent on violating the same and were erecting the wall.



When the informant protested, the allegation is that after abusing he was beaten causing injury in his mouth and broken tooth. Further allegation is of taking his caste name. As he was bleeding profusely, was sent to Primary Health Center, Andar whereafter the FIR was lodged.

Learned counsel for the petitioners submit that no such case as has been alleged had happened and as whatever abusing took place it was on his private land, the same could not be said to have been uttered in public. Accordingly, it is a fit case for quashing.

Learned APP on the other hand submits that the incident happened on an open land and whomsoever it belong to, it was in public view. Further, as per the FIR itself, the informant was hit on his mouth, was bleeding profusely and tooth were also broken and had to move to Primary Health Center for his treatment and in that background, it would be proper for the petitioners to face the trial.

This Court find force in the submission put forward by the learned APP. There is allegation of assault as also abusing him by taking caste name which was in a public view though may be allegedly on the land of the accused persons and in that background this is certainly not a fit case for any interference.



The petition lacks merit and is accordingly dismissed.

(Rajiv Roy, J)

Prakash Narayan /-

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