

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53274 of 2015

Arising Out of PS. Case No.-122 Year-2012 Thana- JAGDISHPUR District- Bhojpur

1. Vijay Yadav, Son of Sri Kewal Yadav
2. Nand Kishore Yadav, Son of Late Sri Ram Yadav.
3. Dashrath Yadav, Son of Late Vijadi Yadav.
4. Mohan Yadav, Son of Late Vijadi Yadav.
All are residents of Halkhori Tola, P.S. Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Raj Kishore Yadav, Son of Makhauli Yadav, Resident of village-Awsan
Tola, P.S.- Jagdishpur, District-Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Smt.Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-03-2023 No one appears on call although on the last occasion
also on call no one has appeared.

The present petition has been preferred for quashing of the order dated 06.05.2014 passed by the learned Judicial Magistrate, Ara in Complaint Case No. 2318(C)/13 arising out of Tr. No. 2852 of 2015 which has been instituted on the protest petition filed by the informant/opposite party no. 2 in Jagdishpur P.S. Case No. 122 of 2012 for the offences under Sections 364 and 34 of the Indian Penal Code and took cognizance.

As per the story, the allegation is that his brother-in-law, Umesh Yadav had gone to attend call of nature, when they heard sound of firing thinking that it may be sound of some



crackers, they did not move out but later when his brother-in-law failed to return, they started searching and subsequently was convinced that the accused persons with whom they were on litigating terms may have kidnapped for the purpose of killing. Accordingly, the case.

The police investigated the matter submitted final form. However, the protest petition was filed and subsequently, the Court of learned Judicial Magistrate, Ara vide an order dated 06.05.2014 found *prima facie* materials against the accused persons, took cognizance.

Considering the kind of allegation, no interference is required as the learned J.M., Ara has taken cognizance after having been *prima facie* satisfied.

However since no one has appeared, the petition is dismissed for non-prosecution with liberty to raise all the points before the Trial Court at an appropriate stage.

(Rajiv Roy, J)

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