

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1088 of 2016

Arising Out of PS. Case No.-457 Year-2014 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

1. Sahabuddin
2. Alamgir
3. Jalaluddin.

All are the S/o Manager, R/o Village-Gagalwa-Chainpatti, P.S.-
Patherwa, Dist- Kushi Nagar U.P.

... .. Petitioners

Versus

1. State Of Bihar
2. Kitabuddin S/o Raj Mohammad R/o Village- Chaurawn, P.S.- Thawe, Dist-
Gopalganj

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Harendra Prasad, Advocate
For the Opposite Party : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 21-08-2023 The petitioners have challenged the order dated 05.12.2014 passed by the learned Judicial Magistrate, Gopalganj, in connection with Complaint Case No. 457 of 2014 (Trial No.3702 of 2015), whereby cognizance has been taken against the petitioners under Section 498-A of the Indian Penal Code. The petitioners have also challenged the revisional order dated 29.04.2015 passed by the learned Sessions Judge, Gopalganj, in Criminal Revision No. 418 of 2015, by which the order passed by the learned Judicial Magistrate has been affirmed and upheld.



2. It has been submitted by learned counsel for the petitioners that with respect to the same occurrence, earlier an F.I.R vide Patherwa P.S. Case No. 220 of 2013 has been filed by the opposite party no.2 and now the opposite party no.2 has filed the present F.I.R. for the same occurrence, which is pending in the Court below.

3. This application is disposed of with a liberty to the petitioners to file an application under Section 210 of the Cr.P.C. and bring to the notice of the learned Magistrate that for the same occurrence two cases have been filed by the opposite party no.2 and one of the such cases has been filed in the State of Uttar Pradesh. If the learned Magistrate comes to a finding that earlier for the same occurrence, an F.I.R. has been filed by the opposite party no.2 in the State of Uttar Pradesh then he will pass appropriate orders in accordance with law.

4. With the aforesaid observations and directions, this application stands disposed of.

(Sandeep Kumar, J)

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