

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59079 of 2021**

Arising Out of PS. Case No.-731 Year-2019 Thana- MUNGER COMPLAINT CASE  
District- Munger

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1. Mani Kiran, W/o Kailash Kumar, D/o Vishnu Mandal, Resident of Village- Bajrangbali Nagar, P.O.- Nauwagarhi, P.S.- Nayaram Nagar, District- Munger, Presently Resident of Village- Mahmadpur, P.S.- Madhusudanpur, District- Bhagalpur.
  2. Vishnu Mandal, Son of Laxmi Narayan Mandal, Resident of Village- Mahmadpur, P.S.- Madhusudanpur, District- Bhagalpur.
  3. Anita Devi, W/o Vishnu Mandal, Resident of Village- Mahmadpur, P.S.- Madhusudanpur, District- Bhagalpur.
  4. Mritunjay Kumar @ Disko, Son of Vishnu Mandal, Resident of Village- Mahmadpur, P.S.- Madhusudanpur, District- Bhagalpur.
  5. Chhotu Kumar @ Sujit Kumar Son of Vishnu Mandal Resident of Village- Mahmadpur, P.S.- Madhusudanpur, District- Bhagalpur.
  6. Pappu Mandal @ Pappu Kumar, Son of Late Surendra Prasad Mandal, Resident of Village- Naya Tola Chauhaddi, P.S.- Madhusuanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kailash Mandal @ Kailash kumar, Son of Late Arjun Mandal, Resident of Village- Bajrangbali nagar, P.O.- Nauwagarhi, P.S.- Nayaram Nagar, District.- Munger.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : None

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

- 3      15-05-2024      1. No one appears on behalf of the petitioners.
- Learned APP for the State is present.
2. No one had appeared on behalf of the petitioners on
- 14.5.2024 also.
3. The instant application has been filed praying for



quashing the order dated 23.10.2019 passed in Complaint Case no.731(C) of 2019 by the learned Judicial Magistrate 2<sup>nd</sup> Class, Munger whereby he was pleased to take cognizance under sections 323, 379, 427, 504 and 506 read with section 34 of the Indian Penal Code.

4. As per the contents of the complaint lodged by the complainant opposite party no.2 in the Court of learned Chief Judicial Magistrate, Munger, it is stated by the complainant that the accused persons entered his house and started to assault his old and ill mother. It is stated that as a result of the destruction carried out in the complainant's house, the accused persons caused a loss of Rs.20,000/- worth of goods. His mobile phone worth Rs.10,490/- was also taken away. Seeing the other persons coming, it is stated that the accused persons went away on their Bolero vehicle giving threats. The complainant states that the cause of occurrence is that one of the accused who happens to be his wife along with others want the petitioner to abandon his ill mother and to move to her parent's place. The complainant not agreeing to the same, the instant case has been registered.

5. Having perused the contents of the petition of complainant together with the statement of the complainant on



S.A., this Court is of the opinion that the complainant has made out a case under sections 323, 379, 427, 504, 506 read with section 34 of the Indian Penal Code against the accused persons including the petitioners herein. The Court finds no illegality in the order dated 23.10.2019 whereby the learned Judicial Magistrate 2<sup>nd</sup> Class, Munger has been pleased to take cognizance in the case and directed for issuance of summons against the petitioners.

6. The application is dismissed.

**(Partha Sarthy, J)**

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