

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8101 of 2022

Arising Out of PS. Case No.-256 Year-2016 Thana- JHAJHA District- Jamui

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1. Naresh Yadav Son of Baldeo Yadav Resident of Village - Khuri Paras, P.S. Jhajha, District - Jamui.
 2. Dharmendra Kumar Yadav Son of Baldeo Yadav Resident of Village - Khuri Paras, P.S. Jhajha, District - Jamui.
 3. Kari Devi Wife of Baldeo Yadav Resident of Village - Khuri Paras, P.S. Jhajha, District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manish Kumar Son of Gulli Yadav Resident of Village - Khuri Paras, P.S. Jhajha, District - Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan

For the Opposite Party/s : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. This is an application for quashing the order of cognizance dated 08.02.2019 passed by learned S.D.J.M., Jamui in Jhajha P.S. Case No. 256 of 2016.

3. The prosecution case, in brief, is that on 11.11.2016 at about 7:30 AM, all the accused persons including these petitioners were tying bamboo stick in front of house of the informant to close the road, and on protest by informant and his father, all the accused persons started abusing and assaulting



them. It is further alleged that when Lattu Yadav and Narayan Yadav came to save them, they were also assaulted, in which, Lattu Yadav received serious injury and died during course of treatment.

4. Learned counsel for the petitioners submits that as per F.I.R., there is no specific accusation against these petitioners, rather there is general and omnibus allegation. Petitioners are alleged to be members of the unlawful assembly. He next submits that entire prosecution case is false and fabricated and petitioners have committed no offence. As a matter of fact, at the time of occurrence, petitioners were present at the place of occurrence and they have been dragged in this case due to admitted land dispute and village politics.

5. However, learned A.P.P. for the State opposes the contention made on behalf of petitioners and submits that at this stage, it cannot be said that no offence is made out against these petitioners. There is sufficient materials available on record to take cognizance against these petitioners. Moreover, the grounds, which have been raised by these petitioners for quashing the order of cognizance, are in the realm of defence, which cannot be looked into at this stage.

6. Considering the submissions made on behalf of the



parties and materials available on record, this Court does not find any irregularity or perversity in the order impugned, which warrants any interference by this Court. This application is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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