

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19831 of 2023

Arising Out of PS. Case No.-57 Year-2020 Thana- LAKHNAUR District- Madhubani

1. MAHESH PRASAD YADAV S/o Late Bhajjee Yadav Resident of Village-Belhi, P.S.-Kakhnour, District-Madhubani
2. PRIYANKA KUMARI D/o Mahesh Prasad Yadav Resident of Village-Belhi, P.S.-Kakhnour, District-Madhubani
3. VANDANA KUMARI @ VANDANA RANI D/o Mahesh Prasad Yadav Resident of Village-Belhi, P.S.-Kakhnour, District-Madhubani
4. RAMDANA DEVI @ DOMNI DEVI W/o Mahesh Prasad Yadav Resident of Village-Belhi, P.S.-Kakhnour, District-Madhubani
5. KARI YADAV @ SANJEEV KUMAR S/o Ram Narayan Yadav Resident of Village-Gangapur, P.S.-Lakhnour, District-Madhubani
6. ASHISH YADAV @ ASHISH KUMAR S/o Ram Narayan Yadav Resident of Village-Gangapur, P.S.-Lakhnour, District-Madhubani
7. NARESH YADAV S/o Raje Yadav Resident of Village-Gangapur, P.S.-Lakhnour, District-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRADEEP KUMAR YADAV S/o Jeerach Yadav Resident of Village-Belhi, P.S.-Lakhnour, District-Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-03-2024 This application has been filed for quashing the order dated 24.12.2022 passed by A.C.J.M. I, Jhanjharpur, Distt.-Madhubani, in connection with Lakhnaur P.S. Case No. 57 of 2020, G.R. No. 399 of 2020, in which cognizance has been taken by the learned Court below.

2. The prosecution case in brief is that on the alleged date and time of occurrence, all the accused persons including



these petitioners came to the house of informant armed with lathi and farsa and started abusing him and on protest, the accused persons started assaulting him and family members, as a result of which seven persons sustained injury.

3. It is submitted that entire prosecution case is false and concocted. No such occurrence, as alleged in FIR, took place. The informant and petitioners are Gotia and close door neighbours and there is land dispute between them .

4. Learned counsel for the State opposes and submits that there is sufficient material, available on record, for taking cognizance against the petitioner. At this stage, the probable defence of the petitioner cannot be seen.

5. In view of the settled law, the defence plea of the petitioners cannot be entertained. It will be seen at the stage of trial. From perusal of the record, it is apparent that there is specific allegations against these petitioners, that they assaulted the informant and his other family members.

6. Having regard to the facts and circumstances, no case is made out for quashing the order of cognizance. Accordingly, this quashing application is dismissed.

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(Prabhat Kumar Singh, J)

