

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43707 of 2016

Arising Out of PS. Case No.-155 Year-2015 Thana- BUDDHACOLONY District- Patna

1. Indradeo Prasad Sah @ Indradeo Sah, S/o Late Shivbalak Sah
2. Abhay Kumar S/o -Indradeo Prasad Sah
3. Sanjeet Kumar S/o Indradeo Prasad Sah
4. Ish Kumar S/o Indradeo Prasad Sah All R/o-Dujra, Rajapur Pul P.S.-Buddha Colony, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raju Kumar S/O Sri Lal Bihari Yadav R/O back of Rajapur River View Petrol Pump, P.S.-Buddha Colony, District-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 19-11-2024 Heard Mr. Awadhesh Kumar, learned counsel for the Petitioners and Mr. Mukeshwar Dayal, learned APP for the State.

2. The instant petition has been filed under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') with a prayer to quash the order dated 02.02.2016 passed by the learned Judicial Magistrate 1st Class, Patna in Buddha Colony P.S. Case No. 155 of 2015 by which the cognizance of the offences under Sections 341, 323, 504 and 34 of the Indian Penal Code (in short 'IPC') has been taken against the



petitioners.

3. Learned counsel for the petitioners submits that wife of petitioner no.1 namely, Kamla Devi, registered an FIR as Buddha Colony P.S. Case No. 275 of 2014 with serious allegations against one namely, Sunil Kumar and others and the petitioners and the wife of petitioner no.1 was badly assaulted for which she was treated at P.M.C.H., Patna and after registration of the said FIR, threats were issued to Kamla Devi wife of petitioner no.1 who is the informant of Buddha Colony P.S. Case No. 275 of 2014 and the present petitioners and then representation was given to Senior Superintendent of Police, Patna on 01.11.2014 and the accused persons in Buddha Colony P.S. Case No. 275 of 2014 were chargesheeted and subsequently Buddha Colony P.S. Case No.154 of 2015 was also registered by the wife of petitioner no.1 against the prosecution party of the present matter in which they were also chargesheeted. As a matter of fact, a dispute with regard to entry passage to the house of the petitioners' side was running in between both the parties and the easement right of the petitioners to enter into their house was wrongly obstructed by the informant's side so, in the result as well as a retaliatory measure for pressurizing the petitioners, the informant of the present matter came up with false



allegations and lodged a false case.

4. Mr. Mukeshwar Dayal, learned APP for the State has opposed this petition.

5. Heard both the sides and perused the relevant materials. The petitioners are named in the FIR and as per the allegation they entered into the house of the informant and assaulted the family members of the informant and also took away Rs. 1500/- by snatching the same from the pocket of the informant. After investigation, the petitioners were chargesheeted for the alleged offences. Though, there are some other criminal cases lodged by the wife of the petitioner no.1 against some persons namely, Lal Bihari Rai, Shyam Bihari Rai, Brij Bihari Rai and Raj Bihari Rai etc. and two criminal cases bearing Buddha Colony P.S. Case No. 275 of 2014 and Buddha Colony P.S. Case No. 154 of 2015 were registered but merely by the registration of the two FIRs by the wife of petitioner no.1 against the family members of the informant of the present matter, the allegations attracting the alleged offences cannot be discarded at this stage particularly when the allegations get support from the statements of the witnesses whose statements were recorded during investigation. Accordingly, this Court finds no merit in this case, so, it stands dismissed.



6. In the result, the instant criminal miscellaneous
petition stands dismissed.

(Shailendra Singh, J)

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