

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47153 of 2018

Arising Out of PS. Case No.-169 Year-2018 Thana- RUPASPUR District- Patna

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1. Subhash Kumar @ Subhash Pariyar S/o Janak Bahadur,
 2. Durga Pariyar W/o Subhash Pariyar,
 3. Rajani Pradhan W/o Suraj Pradhan,
- All are R/o Rupaspur, P.O. and P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Officer Incharge Rupaspur P.S., Patna.
3. Deepak Singh S/o Anil Singh R/o Asiana Nagar, Phase- I.P.O. and Digha, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 06-08-2024 One Deepak Singh lodged a complaint on 29.04.2018 alleging, inter-alia, that one foundation under the banner of Prema Foundation situated within the jurisdiction of Rupaspur Police Station was engaged in illegal conversion of religion of the people belonging to Hindu Religion to Christianity. It was alleged that one Subhash Kumar @ Subhash Pariyar, his wife Mali @ Durga Pariyar and their companions were engaged in illegally converting people of Hindu Religion to Christianity. Especially, the people of backward classes are victims of their prey. On the basis of the said complaint, police registered



Rupaspur P.S. Case No.169 of 2018 dated 29.04.2018 under Sections 153(A), 295(a), 298, 504, 508, 120B of the Indian Penal Code and took up the case for investigation.

2. It is also found from the counter affidavit that after investigation, police submitted charge sheet on 28.02.2022.

3. It is contended on behalf of the petitioners that the F.I.R. story does not disclosed any ingredient under Sections 153(A), 295(a) and 298 of the I.P.C. Therefore, the F.I.R. against the petitioners is liable to be quashed.

4. It is also submitted by the learned Advocate for the petitioners that police submitted charge sheet in this case on 28.02.2022, but till date, the charge sheet was not produced before the learned Jurisdictional Magistrate and cognizance of offence has not been taken. This is also another illegality because of the fact that during the lapse of two years, after filing charge sheet, cognizance was not taken by the learned Magistrate.

5. I have perused the photostat copy of the charge sheet as Annexure-A. On the right side corner on the charge sheet, something was written with date 05.04.2022. It appears to this Court that the word 'seen' was written and below the word 'seen' probably ACJM was also written. Therefore, I have every



doubt as to whether, the charge sheet was placed before the learned Jurisdictional Magistrate or not, as such I am not in a position to accept second contention made by the learned Advocate for the petitioners.

6. With regard to the allegation that the ingredients of offence under Sections 153(A), 295(a) and 298 of the I.P.C. are not established from the investigation, the petitioners can raise such plea before the learned Magistrate at the time of taking cognizance.

7. Under such circumstances, I do not find any reasons to exercise inherent power of this Court, under Section 482 of the Cr.P.C. The instant Cr. Misc. Case is therefore, disposed of.

8. However, the petitioners are granted liberty to raise all such questions as submitted today before this Court to the learned Magistrate, at the time of taking cognizance of offences, on the basis of the charge sheet.

(Bibek Chaudhuri, J)

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