

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57211 of 2021**

Arising Out of PS. Case No.-960 Year-2019 Thana- MUNGER COMPLAINT CASE
District- Munger

=====

Sarjan Jha, Son of Late Satyanarayan Jha, Resident of Kajichak, P.S.-
Bariyarpur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi, Wife of Bambam Jha, Resident of Kajichak, P.S.- Bariyarpur,
District- Munger.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 15-05-2024 1. No one appears on behalf of the petitioner. Learned
APP for the State is present.

2. No one had appeared on behalf of the petitioner on
14.5.2024 also.

3. The instant application has been filed praying for
quashing the order dated 21.11.2019 whereby the learned Chief
Judicial Magistrate 2nd Class, Munger was pleased to take
cognizance of offence under sections 323, 325, 379, 504, 506
and 34 of the Indian Penal Code against the petitioner.

4. As per the allegations in the complaint lodged by
the complainant opposite party no.2, it is stated that when her
husband asked his full brother ie the petitioner herein that the



family property be partitioned, it is stated that the petitioner started to abuse the complainant's husband and stated that as he did not have any son, he would not get any share in the family property. Thereafter, it is stated that the petitioner called his son asking them to assault the complainant and others on which co-accused Pappu Jha assaulted the husband of the complainant with an iron rod causing injuries on his head. It is further stated that on the daughter of the complainant coming to their rescue, co-accused Rubi Kumari and Subhadra Devi assaulted her. The accused Kundan Kumar also took away the gold ornaments of the complainant. The accused entered into complainant's house and caused destruction of property worth Rs.10,000/-. The injured husband of the complainant and others were taken to the hospital for treatment. As the police personnel did not register the case, hence the instant complaint.

5. On perusal of the contents of the petition it transpires that besides the complainant, three other witnesses were examined in support of the complaint on S.A. Having perused the contents of the petition of complaint as also the statement of the witnesses recorded in course of enquiry, the learned trial Court came to the conclusion that a *prima facie* case was made out against the accused including the petitioner



herein and there was sufficient material for issuing of process against them.

6. Having perused the contents of the petition of complaint as also the material on record, the Court is of the opinion that there is *prima facie* material for proceeding against the accused persons including the petitioner herein and the learned trial Court has rightly taken cognizance in the case under sections 323, 325, 379, 504, 506 and 34 of the Indian Penal Code.

7. The Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

avinash/-

U		T	
---	--	---	--

