

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48706 of 2016

Arising Out of PS. Case No.-261 Year-2011 Thana- PIPRAKOTHI District- East Champaran

Vijay Kumar Singh @ Sanjeev Kumar Singh @ Sanjiv Kumar Singh S/o
Wakil Singh R/o Village- Kharpur, P.S.- Pipra, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jitendra Kumar Singh S/o Gaya Prasad Singh R/o Village- Kuarpur, P.s.-
Pipra, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Singh
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-04-2024 Heard learned counsel for the parties.

The present application has been filed for quashing of the order dated 17.09.2016 passed by learned Additional Chief Judicial Magistrate-V, Motihari, whereby cognizance has been taken for the offences punishable under Sections 323, 324 of the Indian Penal Code.

It is alleged against the petitioner that this petitioner assaulted with farsa on both the legs of the informant due to which he sustained injuries on his both



legs. It is further alleged that cash of Rs. 5500/- was also snatched by the petitioner from the informant.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is alleged to have assaulted with farsa on both the legs of the informant but the injury report of the informant which has been annexed as Annexure-2 suggests that doctor has found the injuries to be simple in nature. Both the parties were on inimical terms from before as both sides have lodged cases against each other prior to lodging of the present case which have been annexed as Annexures-4 and 5. It is further submitted that after investigation, the accusation levelled against the petitioner was not found true but differing with the final form, mechanically cognizance has been taken.

From perusal of the case diary as well as the impugned order, this Court finds that learned Court below has *prima facie* made out the case against the



petitioner Vijay Kumar Singh @ Sanjeev Kumar Singh under Sections 323, 324 of the Indian Penal Code. This Court finds no illegality in the impugned order as learned Magistrate was well within the jurisdiction to differ with the final form and to take cognizance.

Hence, this Court is not inclined to interfere at this stage.

However, the petitioner shall be at liberty to raise all the contentions at the time of framing of charge, if the charge has already not been framed.

With the observations above, the application stands disposed off.

(Sunil Kumar Panwar, J)

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