

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2043 of 2024

Arising Out of PS. Case No.-567 Year-2021 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Sheoraj Singh @ Shiv Raj Singh Son Of Late Benimadhava Singh Resident
Of Village- Dabura Khurd, P.O. And P.S.- Aurangabad, District- Aurangabad
(Bihar)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Aditya Narayan Singh Son Of Late Chandradeo Singh Resident Of Village-
Dabura Khurd, P.O. And P.S.- Aurangabad (M), District- Aurangabad
3. Mohan Singh Son Of Late Chandradeo Singh Resident Of Village- Dabura
Khurd, P.O. And P.S.- Aurangabad (M), District- Aurangabad
4. Nand Gopal Kumar Singh Son Of Late Chandradeo Singh Resident Of
Village- Dabura Khurd, P.O. And P.S.- Aurangabad (M), District-
Aurangabad
5. Sachidanand Singh Son Of Late Chandradeo Singh Resident Of Village-
Dabura Khurd, P.O. And P.S.- Aurangabad (M), District- Aurangabad
6. Ranvijay Singh Son Of Late Jagdish Singh @ Jagdish Narayan Singh
Resident Of Village- Dabura Khurd, P.O. And P.S.- Aurangabad (M),
District- Aurangabad
7. Suryadeo Singh Son Of Late Jagdish Singh @ Jagdish Narayan Singh
Resident Of Village- Dabura Khurd, P.O. And P.S.- Aurangabad (M),
District- Aurangabad
8. Uday Singh Son Of Late Jagdish Singh @ Jagdish Narayan Singh Resident
Of Village- Dabura Khurd, P.O. And P.S.- Aurangabad (M), District-
Aurangabad
9. Ajay Singh @ Ajay Kumar Singh Son Of Late Jagdish Singh @ Jagdish
Narayan Singh Resident Of Village- Dabura Khurd, P.O. And P.S.-
Aurangabad (M), District- Aurangabad
10. Prashant Kumar Son Of Aditya Narayan Singh Resident Of Village- Dabura
Khurd, P.O. And P.S.- Aurangabad (M), District- Aurangabad
11. Nishant Kumar Son Of Aditya Narayan Singh Resident Of Village- Dabura
Khurd, P.O. And P.S.- Aurangabad (M), District- Aurangabad
12. Upendra Sharma Son Of Late Madhusudan Singh Resident Of Village-
Gulab Bigha, P.O. And P.S.- Rafiganj, District- Aurangabad
13. Kameshwar Singh Son Of Jagdeep Singh Resident Of Mohalla- Anugrah
Nagar (Infront Of S.N. Sinha College) Aurangabad, P.O. And P.S.-
Aurangabad (M), District- Aurangabad

... .. Opposite Party/s

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Appearance :



For the Petitioner/s : Mr. Rahul Kumar Singh, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-01-2025 Heard the parties.

2. The present quashing petition preferred against order dated 03.02.2022 passed in Complaint Case No. 567 of 2021 passed by learned ACJM, II, Aurangabad, whereby and where under the learned Magistrate took cognizance for the offence under Section 323 and 504 of the IPC and failed to took cognizance for the offence Sections 467, 468 and 471 of the IPC.

3. The aforesaid order was challenged in Cr. Revision before the learned Sessions Judge, Aurangabad through Cr. Rev. No. 39 of 2023 but same was also stands dismissed vide order dated 26.07.2023, being aggrieved with aforesaid order, the petitioner preferred present petition.

4 The crux of submission as advanced by learned counsel for the petitioner was that the report of ADM dated 27.08.2021, categorically stated that some manipulation was done in record of *Khata* No. 38 and despite of the said fact, Court below failed to took cognizance for the offences under



Sections 467, 468 and 471 of IPC. It appears out of submission from learned counsel that dispute related with the factual analysis and moreover, he may raise all such issues before learned trial court itself at the time of explaining accusations .

5. From the perusal of impugned order of learned Sessions Judge dated 26.07.2023, it appears that the said liberty was already granted to petitioner to raise all such issues at the time of explaining accusations but instead of availing said opportunity in terms of revisional order as aforesaid, petitioner approached this Court.

6. Considering aforesaid, there is no substance in the present petition, accordingly, the present quashing petition stands dismissed, however with aforesaid liberty as to raise all such issues at the time of explanation of accusations in terms of impugned revisional order.

(Chandra Shekhar Jha, J)

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