

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17232 of 2021

Arising Out of PS. Case No.-271 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. Tabassum @ Tabassum Parween Wife Of Geyas Uddin Resident Of Mohalla-Kaghzi, Biharsharif, P.S.-Bihar, District-Nalanda.
 2. Geyas Uddin Son Of Abbas Ali Resident Of Mohalla-Kaghzi, Biharsharif, P.S.-Bihar, District-Nalanda.
 3. Tapush Son Of Geyas Uddin Resident Of Mohalla-Kaghzi, Biharsharif, P.S.-Bihar, District-Nalanda.
 4. Ekbal Khan @ Iqbal Khan Son Of Late Nazru Khan Resident Of Mohalla-Kaghzi, Biharsharif, P.S.-Bihar, District-Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nayeb Ali Son Of Late Syed Hassan Ali Resident Of Mohalla-Biharsharif, P.S.-Bihar, District-Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad
For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 02-02-2026 Heard the learned counsel for the petitioner and the
learned counsel for the State.

2. This application has been filed for quashing of the order dated 25-02-19 passed by the learned Judicial Magistrate 1st Class Bihar Sharif, Nalanda in Complaint Case No. 271 C/2018 against the petitioners whereby and where under cognizance has been taken u/s 341,323,504,337 & 379 of IPC.

3. The brief facts of the case are that on 10th February 2018, at 9 AM, the complainant stopped labourers



from working on his land due to a land dispute, as the petitioners had filed a case with the SHO, Bihar. The complainant instructed the workers to stop until the dispute was resolved. Later that day, the complainant and witnesses went to Patna for a funeral and returned the same evening. Around 8 PM, the accused persons stopped the complainant near Mozaffar Palvi's house and began to abuse him. When the complainant tried to stop them, Ekbal Khan stole Rs. 5,000 from his pocket, Tapush took a golden ring worth Rs. 50,000, and Geyas Uddin took a golden chain worth Rs. 30,000. The accused then physically assaulted the complainant and threatened to kill him if he reported the incident. On 11th February 2018, when the complainant again asked the labourers to stop work, the accused abused him again and threw bricks and stones from their roof, injuring him.

4. The learned Magistrate, after considering the facts and evidence on record, has found a prima facie case against the petitioners and has proceeded to take cognizance. Petitioners want this Court to consider their defense at the stage of cognizance which is not permissible in law.

5. In view of the discussions made above, this Court is not inclined to interfere in the impugned order, therefore, this



application is dismissed with liberty to the petitioners to raise all the grounds at the stage of framing of charge/at an appropriate stage.

(Sandeep Kumar, J)

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