

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14493 of 2016

Arising Out of PS. Case No.-2049 Year-2014 Thana- COMPLAINT CASE District- Jamui

Raju Paswan S/O- Sahdeo Paswan, resident of village- Bahadurpur, P.S.-
Sikandara, District- Jamui

... .. Petitioner/s

Versus

1. State of Bihar
2. Nawal Kishore Ram, S/o- Tanikdeo Ram, resident of village- Bahadur Pur,
P.S.- Sikandara, District- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar, Advocate
For the State	:	Mr. Awdhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 27-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C.') challenging the order dated 24.06.2015 passed by the Court of the Chief Judicial Magistrate, Jamui, in Case No. 2049C/2014, whereby the learned Chief Judicial Magistrate has taken cognizance of the offences punishable under Sections 341, 323 and 504 of the Indian Penal Code (hereinafter referred to as 'IPC') as well as the offence under Section 25(1-B)(a) of the Arms Act.



3. Mr. Amrendra Kumar, learned counsel appearing for the petitioner, submits that there is a civil dispute in between the petitioner and the informant, and in this regard, Annexure-7 is relevant. It is further submitted that Opposite Party No. 2 had earlier lodged Sikandara P.S. Case No. 11 of 2008 on the same set of allegations, which were found to be false and consequently, the police submitted a final form exonerating the petitioner from all the allegations, thereafter, the informant approached this Court by filing Criminal Revision No. 1237 of 2010, wherein the order of the Chief Judicial Magistrate, Jamui, accepting the final form was set aside and the concerned court was directed to proceed afresh in accordance with law. Subsequently, the protest petition filed by Opposite Party No. 2 was treated as a complaint case and after examination of certain witnesses, the learned Magistrate took cognizance of the alleged offences in a mechanical manner.

4. On the other hand, Mr. Awdhesh Kumar Singh, learned APP appearing for the State, submits that the protest petition filed by Opposite Party No. 2 was treated as a complaint by the concerned Magistrate, and certain witnesses were examined on oath thereafter, the impugned order taking cognizance of the alleged offences was passed upon finding



prima facie material to attract the said offences. It is further submitted that there is no illegality in the impugned order. Moreover, as the case against the petitioner is presently at the stage of evidence, the prayer made by the petitioner has become infructuous.

5. Heard both the sides and perused the impugned order as well as the other relevant materials on record. Opposite Party No. 2 initially lodged an FIR bearing Sikandara P.S. Case No. 11 of 2008, alleging that while he was returning home, the petitioner along with co-accused Sudhir Ram intercepted him on the way, pointed a pistol at him, abused him, and thereafter assaulted him with the butt of the said pistol. It was further alleged that upon hearing his cries, the co-villagers arrived at the spot, overpowered the accused persons, and snatched the weapon from their possession. Although, after investigation, the police submitted a final form in respect of the allegations levelled in the FIR, however, the learned Magistrate, after treating the protest petition as a complaint and examining the complainant as well as the enquiry witnesses, took cognizance of the alleged offences. The averments made in the complaint and the statements of the enquiry witnesses are sufficient to show the commission of the alleged offences and *prima facie*



involvement of the petitioners in the said occurrence. The petitioner has failed to persuade this Court to form the opinion that the allegations levelled by Opposite Party No. 2 are completely baseless or absurd. Moreover, the case against the petitioner is presently at the stage of evidence. Considering all these facts and circumstances, this Court does not find any merit in the present petition, and accordingly, the same stands dismissed.

(Shailendra Singh, J)

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