

IN THE HIGH COURT OF JHARKHAND, RANCHI
Criminal Revision No. 700 of 2025

1. Uma Bhagat, aged about 74 years, wife of Sri Rajendra Prasad Bhagat

2. Rajendra Prasad Bhagat, aged about 80 years, son of Late Kishori Lal Bhagat

Both are residents of 603, Raj Palace, Apartment, Tagore Hill Road, Morabadi, PO – Morabadi, PS – Bariatu, District – Ranchi

.... Petitioners

-- Versus --

1. The State of Jharkhand

2. Sheetal Yadav, wife of Atul Agarwal, resident of Basant Vihar, Kanke Road, PO – Ranchi University, PS – Gonda, District – Ranchi

.... Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners	:-	Mr. Ashim Kr. Sahani, Advocate
For the State	:-	Mr. Pankaj Kumar, Advocate
For O.P. No.2	:-	Mr. Ajay Kr. Sinha, Advocate

03/19.01.2026 Heard learned counsel appearing for the petitioner, learned counsel appearing for the State and learned counsel appearing for the Opposite Party No.2.

2. This petition has been filed challenging the legality, propriety or correctness of an order dated 07.12.2024 passed by learned Judicial Magistrate-XIII, Ranchi in Complaint Case No.993 of 2015 whereby the petition filed by the petitioner for their discharge under Section 239 Cr.P.C. being M.C.A. No.1168 of 2024 has been rejected.

3. Mr. Sahani, learned counsel appearing for the petitioners submits that complaint case was filed alleging of assault and forcefully entering

into the house and the learned Court after enquiring under Section 202 of Cr.P.C. has been pleased to take cognizance by the order dated 23.05.2018 which was challenged before this Court in Cr.M.P. No.2336 of 2018 and the said was dismissed by the order dated 31.01.2024. He submits that thereafter the petitioner herein has filed a petition for discharge which has been rejected by the learned Court. He further submits that so far Section 420 of IPC is concerned against that Section the petitioners have been discharged, however, for the others Sections the discharge petition has been rejected and in view of that the discharge petition has been partly allowed.

4. Learned counsel appearing for the State submits that the learned Court has rightly passed the said order and has applied his mind.

5. Learned counsel appearing for the opposite party No.2 submits that there is no illegality in the impugned order and the learned Court has considered the materials on record and thereafter passed the said order.

6. In the complaint there is allegation that the petitioners entered into her residential house in absence of her husband and they were in search of her husband and in course of hot discussion raising complaint against her husband the petitioner No.2 with two other persons assaulted the opposite party No.2 and her child in lap and caused injury. On 11.11.2014, the petitioner No.1 sent a letter to the husband of the opposite party No.2 further alleging that the petitioner No.2 and two other accused persons had torn her clothes and snatched her child and forcibly thrown the child on the ground and the opposite party No.2

became unconscious. When her husband returned to the house he took the opposite party No.2 and their child to hospital where they were advised to get admitted and petitioner No.1 alleged to have instigated her husband. It has also been added that the petitioner No.2 several times intimidated the husband of the opposite party No.2 but despite report the local police station did not take any action.

7. Learned Court by considering all the allegations has found that C.W. 1, 2 and 3 in their evidence have supported the allegation and in view of that the learned Court has been pleased to maintain the charge under Sections 323, 354 and 452 of IPC, however the learned Court has been pleased to discharge the petitioners under Section 420 of IPC finding that the case for that allegation is civil in nature.

8. In light of evidence before charge as has been discussed by the learned trial court the ingredients of Sections 323, 354 and 452 are made out and in view of that the learned Court has rightly directed to frame charge under those sections, however, the learned Court was further considering that the allegation of Section 420 is civil in nature has been pleased to discharge the petition. There is no illegality in the impugned order, as such this petition is dismissed.

9. Pending petition, if any, are also disposed of.

10. Interim order, granted earlier, is hereby vacated.

(Sanjay Kumar Dwivedi, J.)

*Dated 19.01.2026
Sangam/*