

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9439 of 2015

Arising Out of PS.Case No. -174 Year- 2013 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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1. Jokhan Singh son of Late Kishori Singh
 2. Gulab Singh son of Shobha Singh
 3. Akshay Singh @ Akshay Kr. Singh Son of Jokhan Singh
 4. Jitendra Kumar @ Jitendra Kumhar Son of Raju Kumhar All Residents of village - Madurna, P.S. Chainpur, District - Kaimur (Bhabhua)
 5. Babban Singh Son of Late Prema Singh
 6. Badri Singh Son of Late Bikrama Singh Both R/o vill. - Sonaon, P.S. Belaon (Bhagwanpur), Distt. - Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Chaudhary
For the Opposite Party/s : Mr. M.K. Nirala (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 10-03-2015 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Chainpur P.S. Case No. 174 of 2013 registered under Sections- 325, 307, 379 & other minor sections of the Indian Penal Code.

Admittedly, petitioners were on police bail in course of investigation and police found the case true only for the offence under Section-504 of the Indian Penal Code but learned Chief Judicial Magistrate differed with the findings of the police and took cognizance of the offence under Section-307 & other minor

sections of the Indian Penal Code.

From perusal of impugned order of learned Sessions Judge, it is obvious that the learned Sessions Judge directed the petitioners to surrender in the court below and seek bail, which shall be disposed off by the concerned court, keeping in mind the principle as laid down by a coordinate bench of this court in the case of Mahendra Singh Vs The State of Bihar reported in 2004(3) PLJR 491.

Petitioners should obey the order of learned Sessions Judge and must surrender before the court below within four weeks from today and if, petitioners do so, the concerned court shall pass appropriate order in the light of observation, made by learned Sessions Judge vide order dated 06-08-2014 passed in ABP No. 570A of 2014/997 of 2014.

Accordingly, this petition stands disposed off.

(Hemant Kumar Srivastava, J)

A.K.V./-

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