

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4441 of 2015

Arising Out of PS.Case No. -99 Year- 2014 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Raju Singh @ Ram Ekbal Singh, Son of Bechan Singh, resident of Village - Lalapur, P.S- Kudra, District - Kaimur.
 2. Sanjay Kumar Pandey, Son of Ram Bachan Pandey, Village - Barka Ramdihara, P.S- Kudra, District - Kaimur.
 3. Upendra Yadav @ Upendra Yadav Son of Burha Singh Yadav, Village Kajhar, P.S- Sonhan, District - Kaimur.
- Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-08-2015

Heard learned counsel for the petitioners and learned counsel for the State.

By way of filing the application under Section 482 of the Code of Criminal Procedure, the petitioners seeks quashing of the order dated 29.11.2014 passed by the learned Chief Judicial Magistrate, Bhabua (Kaimur) in Kudra P.S. Case No. 99 of 2014 by which he has taken cognizance for the offences punishable under Sections 379, 411 and 120-B of the Indian Penal Code.

The petitioners are named in the FIR with specific

allegation of theft against them. The allegations made in the FIR do attract ingredients of the offences alleged. The police investigated the case and on completion of investigation, the allegations made in the FIR were found to be true. Accordingly, charge-sheet was submitted against the petitioners under Sections 379, 411 and 120-B of the Indian Penal Code.

After submission of the charge-sheet, the learned Chief Judicial Magistrate, Bhabua considered not only the allegations made in the FIR but also the statements of witnesses recorded under Section 161(3) of the Code of Criminal Procedure and the police report submitted under Section 173(2) of the Code of Criminal Procedure and after being satisfied with the fact that a prima facie case is made out for the offences under which charge-sheet was submitted, he took cognizance of the offence and summoned the petitioners to face trial.

I find no illegality in the order impugned. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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