

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48337 of 2012

Arising Out of PS.Case No. -73 Year- 2011 Thana - Mejorganj District- Sitamarhi

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1. Amrendra Kumar, son of Deo Narayan Mahto
2. Akheleshwar Kumar @ Akhilesh Kumar, son of Narayan Mahto
Both residents of Village Bhalushiya, P.S. Majorganj, District Sitamarhi.
.... Petitioners

Versus

1. The State of Bihar.
2. Birendra Baitha, son of Late Balam Baitha, Resident of Bhalauhiya, P.S.
Majorganj, District Sitamarhi.
.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party: Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-04-2015

Heard learned counsel for the petitioners as well as learned
APP for the State.

2. The present petition has been filed for quashing the
order dated 09.05.2012 passed by the learned Chief Judicial
Magistrate, Sitamarhi taking cognizance in connection with
Mejorganj P.S. Case No.73 of 2011 for the offences under Sections
147, 149, 341, 323, 324, 504 and 506 of the Indian Penal Code and
Section 3 (x) of the Scheduled Castes & Scheduled Tribes
(Prevention of Atrocities) Act against the petitioners.

3. It is submitted on behalf of the petitioners that the
present first information report has been instituted by the informant
for the same occurrence for which a proceeding under Section 107 of

the Code of Criminal Procedure has been initiated earlier at the instance of the informant.

4. A perusal of the impugned order dated 09.05.2012 discloses that the same has been passed with due application of mind on the basis of the relevant materials such as charge sheet and case dairy, and after finding a prima facie case to be made out against the petitioners, and upon accepting the charge sheet and exonerating the other accused.

5. In the above circumstances, this Court is not inclined to interfere with the impugned order. The petition, accordingly, stands dismissed.

(Vikash Jain, J)

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