

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29855 of 2015

Arising Out of PS.Case No. -127 Year- 2012 Thana -LAUKHI District- MADHUBANI

- =====
1. Nirmal Yadav @ Nirmal Kumar Yadav Son of Sri Dhanik Lal Yadav
 2. Rohit Yadav @ Rohit Kumar Yadav Son of Sri Dhanik Lal Yadav
 3. Dhanik Lal Yadav Son of Late Achhelal Yadav
 4. Bhaiji @ Bhaiji Kumar Yadav @ Devendra Yadav @ Devendra Kumar Yadav
Son of Ramphal Yadav
 5. Ram Vilash Yadav Son of Rameshwar Yadav
 6. Ramdeo Yadav Son of Luchai Yadav All serial No. 1 to 6 are resident of village
- Chichodhwa, P.S. Laukahi, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Bishundeo Paswan Son of Late Gujan Paswan resident of village - Chichodhwa,
P.S. Laukahi, District - Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durganand Jha, Adv.
For the Opposite Party/s : Mr. Indu Bala Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 09-07-2015

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

This application under section 482 of the Code of
Criminal Procedure (for short 'the Code') has been filed for quashing
the order dated 11.05.2015 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, Madhubani in Tr. No.399 of 2015
arising out of Laukahi P.S.Case No.127 of 2012, whereby the
application of the petitioners filed under section 227 of the Code for
discharge has been rejected.

I have perused the allegations made in the FIR and the impugned order passed by the court below. The FIR clearly discloses that the petitioners were members of an unlawful assembly and one of its members had caused death of the deceased Shivendra Paswan. The court below has observed that several witnesses have supported the prosecution case in course of investigation.

In that view of the matter, I find no illegality in the impugned order passed by the court below. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

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