

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34090 of 2012

- =====
1. Bharat Sah , son of nandu Sah
 2. Devanti Devi, wife of Bharat Sah
 3. Mithilesh Rai @ Mithilesh Kumar, son of babu Lal Rai
 4. Shyamlal Sah, son of narsingh Sah
- All are resident of village Marar, P.S. Parsa, district – Saran
5. Jagadish Singh, son of Rampal Singh
resident of village Chak Sahwaj, P.S. Parsa, District Saran
 6. Monish Ahmad, son of Khajulu Rahman, resident of village Ukaraha,
p.S. Dariyapur, District Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Mostt. Batahi, wife of Bhikhari Sah, resident of village Marar, P.S.
Parsa, District Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadaw

For the Opposite Party/s : Mr. Anil Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 09-04-2015 Heard learned counsel for the petitioners as well as

learned A.P.P.

Despite valid service of notice opposite party no. 2 has
preferred not to appear.

Six petitioners, invoking inherent jurisdiction of this
court under Section 482 of the Code of Criminal Procedure, have
approached this court by filing the present petition in the month
of August, 2012 with a prayer to quash an order which was
passed long back on 22.3.2005 by the learned Chief Judicial
Magistrate, Saran, Chapra. By the said order learned Chief
Judicial Magistrate has taken cognizance of offence under Section

406 of the Indian Penal Code in Parsa P.S. Case No.63 of 2003.

Learned counsel for the petitioners submits that of course after the order of cognizance charge has already been framed and evidence is going on. He submits that since long trial is continuing.

Keeping in view the fact that after order of cognizance subsequent development has taken place, the court does not propose to pass any positive order in favour of the petitioners.

The petition stands disposed of.

However, keeping in view the fact that F.I.R. was lodged long back in the year 2003 and according to learned counsel for the petitioners evidence is going on, it is desirable to direct the trial court to conclude the trial preferably within a period of six months from the date of receipt / production of a copy of this order.

The petition with above observation and direction stands disposed of.

(Rakesh Kumar, J)

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