

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20953 of 2015

Arising Out of PS.Case No. -98 Year- 2010 Thana -BIND District- NALANDA (BIHARSHARIFF)

1. Brahmdeo Mahto son of Late Rajo Mahto.
2. Shyam Sundar Mahto son of Brrahmdeo Mahto.
3. Bipin Mahto son of Bengali Mahto

All residents of village - Dariapur, P.S.- Bind, District - Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Janam Maharaj, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 29-06-2015

This application under section 482 of the Code of Criminal Procedure (for short “the Code”) has been filed with multiple prayers. The first prayer of the petitioners is to quash the proceedings of Bind P.S. Case No.98 of 2010 dated 18.11.2010 instituted under sections 447, 307, 504 read with 34 of the Indian Penal Code and 27 of the Arms Act; the second prayer of the petitioners is to quash the chargesheet dated 30.12.2010 submitted by the investigating officer in the aforesaid police case; the third prayer of the petitioners is to quash the order taking cognizance of the offences pursuant to the submission of the chargesheet by the Magistrate concerned and the fourth prayer of the petitioners is to quash the order dated 20.5.2013 passed by the learned Ad hoc Additional District and Sessions Judge-1, Nalanda at Biharsharif in Sessions Trial No.29 of 2012 whereby the

court below has rejected the application for discharge filed under section 227 of the Code.

2. I have perused the allegations made in the first information report and the chargesheet submitted by the police under section 173 of the Code. The allegations made therein do attract ingredients of a cognizable offence under section 307 of the Indian Penal Code.

3. In that view of the matter, I find no error in the order taking cognizance passed by the Magistrate concerned. I have also perused the impugned order dated 20.5.2013 passed by the learned Ad hoc Additional District and Sessions Judge-1, Nalanda at Biharsharif in Sessions Trial No.29 of 2012. I find that the trial Judge has considered the materials available on record including the statement of the witnesses recorded under section 161(3) of the Code and has passed a reasoned order. I find no error in the aforesaid order dated 20.5.2013. In view of the above, I find no error in the impugned order passed by the trial court.

4. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

U		T	
---	--	---	--