

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10644 of 2013

Arising Out of PS.Case No. -100 Year- 2011 Thana -SAHEBPUR KAMAL District- -

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1. Muni Devi, W/o Mukesh Singh, resident of Village- Siraiya, ,P.S. Sahebpur Kamal Distt. Begusarai
2. Baby Devi W/O Shiv Shankar Singh, resident of Village- Siraiya ,P.S. Sahebpur Kamal Distt. Begusarai

.... Petitioners

Versus

1. The State Of Bihar
2. Chandra Kishore Singh, Son of Late Bhuneshwar Singh, resident of Village-Siraiya P.S. Sahebpur Kamal ,Distt. Begusarai

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr. Randhir Kumar No. 1, Advocate.
For the State : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 14-05-2015 Heard learned counsel for the petitioners and learned counsel for the State.

This is a petition for quashing the order dated 10.01.2013 passed by the Ad-hoc Additional District & Sessions Judge-IV, Begusarai, in S.Tr. No. 618 of 2012 arising out of Sahebpur Kamal P.S.Case no. 100 of 2011 by which he has rejected the petition under Section 228(1) of Cr.P.C. filed by the petitioners for discharging them from the charges levelled as no material is available no record for framing of the charge.

The prosecution case as alleged that Sheo Shankar Singh, Mukesh Singh and Naresh Singh assaulted the informant by lathi,

danda on the head of the informant. The role attributed to these petitioners to have snatched the golden chain, golden ring and Mangal Sutra from Rimjhim Devi, the daughter-in-law of the informant.

Learned counsel for the petitioners submits that no role attributed to these petitioners to have assault and charge has been framed for offence under Section 307 of Indian Penal Code against Sheo Shankar Singh, Mukesh Singh and Naresh Singh, and no case is made for offence under Section 307 against these petitioners, but only Section 379 I.P.C. is made out against these petitioners.

However having regard to the fact, cognizance has been taken for offence under Section 307 I.P.C. and case was committed to the Court of Sessions and when the case was committed to the Court of Sessions even charge under Section 379 I.P.C. has been framed against these petitioners, hence I do not find any illegality in the order impugned. Accordingly, the petition is dismissed.

m.p.

(Gopal Prasad, J)

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