

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9057 of 2013

Arising Out of PS.Case No. -74 Year- 2007 Thana -KAUAKOL District- -

- =====
1. Kumari Baby Sinha D/O Krishnadeo Prasad, resident of Village-Bajitpur, P.S.- Kawakole, District- Nawada
 2. Vijay Kumar Suman S/O Late Rama Mandal, resident of Village-Jorabardih, P.S.- Kawakole, District- Nawada
 3. Ranyir Kumar S/O Gajadhar Mandal, resident of Village- Jorabardih, P.S.- Kawakole, District- Nawada
 4. Shrawan Kumar S/O Bacheshwar Mandal, resident of Village-Jorabardih, P.S.- Kawakole, District- Nawada
 5. Vijay Kumar S/O Darbari Mandal, resident of Village- Jorabardih, P.S.- Kawakole, District- Nawada

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Naresh Singh, Advocate
For the Opposite Party/s : Mr. Ashraf Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 21-05-2015

Heard the parties.

The petitioners have filed the present application under Section 482 of the Code of Criminal Procedure, 1973 for quashing the order dated 24.01.2013 passed in Kawakole P.S.Case No. 74 of 2007 by learned Judicial Magistrate, Ist Class, Nawada, whereby the prayer made on behalf of the petitioners for their discharge from the criminal prosecution for offences under Sections 467, 468, 471, 385 and 504/34 of the Indian Penal Code has been rejected.

Learned counsel appearing on behalf of the petitioners while arguing the case has not been able to point out any legal infirmity in the order impugned. Admittedly, FIR (Annexure-1) was lodged against these petitioners with specific allegations for the commission of crime in question. On close of investigation,

the police submitted chargesheet finding the case to be true against these petitioners.

In above view of the matter, this Court does not find any good ground to interfere with the impugned order dated 24.01.2013 passed by the learned Judicial Magistrate refusing to discharge the petitioners from the criminal prosecution. The present application seems to be completely misconceived and untenable in the given facts of the case, which is, accordingly, dismissed. The interim order of stay passed on 04.10.2013 by a Bench of this Court stands vacated.

Let this order be communicated to the trial court forthwith, with a direction to take up the trial of the petitioners on priority basis.

(Birendra Prasad Verma, J)

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