

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40183 of 2012

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1.Bijay Mahto son of Late Manak Mahto
2.Bina Devi wife of Sri Bijay Mahto
3.Pintu Mahto son of Sri Bijay Mahto
4.Mannu Mahto @ Manu Mahto @ Dinesh Kumar Mahto son of Sri Bijay Mahto
5.Radhe Mahto @ Raj Kumar Mahto son of Bijay Mahto
6.Sonu Mahto son of Bijay Mahto

All are residents of village-Andhra Thadhi Market (West Tola),
P.S.-Andhra Thadhi, District- Madhubani

.... Petitioner/s

Versus

1.State of Bihar
2.Aasha Devi wife of Sri Shankar Mahto, resident of village-Andhrathadhi,
District- Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 15-04-2015 In the instant application filed under section 482 of the Code of Criminal Procedure (hereinafter to be referred to as “the Code”), the petitioners have prayed for quashing of the order dated 2.3.2012 passed by the learned Sessions Judge, Madhubani in Cr. Revision No.130 of 2012 whereby and whereunder the revision directed against the order dated 21.11.2011 passed by the learned Judicial Magistrate, 1st Class, Jhanjharpur in C. R. No.1028 of 2010 corresponding to T.R. No.2293 of 2011, whereby he found the allegations made in the complaint to be *prima facie* true under sections 147, 149, 323 and 379 of the Indian Penal Code, has been

dismissed.

Though this application has been filed under section 482 of the Code, but the same is in the nature of second revision, which is barred under section 397(3) of the Code.

In that view of the matter, I am not inclined to entertain this application. Accordingly, the application is dismissed.

However, it would be open to the petitioners to raise all the points available to them before the Magistrate concerned at the stage of framing of charge.

(Ashwani Kumar Singh, J)

Md.S./-

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