

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.637 of 2015

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1. Sheopyare Singh son of Late Ramji Singh resident of village - Mahabalipur, P.S. Paliganj, District Patna.
 2. Pappu Singh son of Niranjan Singh resident of village - Mahabalipur, P.S. Paliganj, District Patna.
 3. Makesar Singh son of Late Ramsharish Singh resident of village - Ankuri, P.S. Paliganj, District Patna.
 4. Lal Mohan Yadav son of Late Sheo Yadav resident of Village - Karkatbiga, P.S. Paliganj, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna .
2. The Senior Superintendent of Police, Patna.
3. The Deputy Superintendent of Police, Paliganj.
4. The Station House Officer, Paliganj Police Station, District Patna.
5. Jagatnath Kaushal son of Dinanath Paswan resident of village - Ankuri, P.S. Paliganj, District Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Adv.

For the Respondent/s : Mr. Sunil kumar (AC to AAG 6)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 11-09-2015 In the present application filed under Article 226 of the Constitution of India, the petitioner seeks quashing of the entire criminal proceeding of Paliganj P.S. Case no. 217 of 2012 instituted for offences punishable under Sections 341, 323, 504 read with 34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 including the process of warrant of arrest pending before the Special Court of Schedule Castes and Schedule Tribes (Prevention of Corruption) Act, Patna.

I have heard learned counsel for the petitioners and perused the record.

The allegations made in the F.I.R. do attract ingredients of the offences alleged.

Learned counsel for the State has pointed out that after completion of investigation, the investigations agency has already submitted chargesheet in this case and the case has been committed to the court of Sessions for trial. He submits that prior to commitment the petitioners were on bail but after commitment they have not appeared before the court and their bail bonds have been cancelled.

In reply learned counsel for the petitioners submit that no summon was ever served to the petitioners after submission of chargesheet and hence they did not appear before the Court.

Be that as it may, since the allegations constitute cognizable offence the criminal proceedings can not be quashed.

However, if the petitioners surrender before the court below within two weeks from today and pray for bail, the court below before passing the order on merit shall take into consideration the submission made by the petitioner that after cognizance, no summon was served upon them and pass

appropriate order in accordance with law.

With these observations, the application is disposed

of.

(Ashwani Kumar Singh, J)

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