

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49305 of 2012

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1. Sri Bhagwan Singh, S/O Late Ramashish Singh
2. Rakesh Singh, S/O Sri Bhagwan Singh.
Both are residents of Village- Milky, P.S- Udwant Nagar, District- Bhojpur
(Bihar)

.... Petitioners

Versus

1. The State Of Bihar
2. Dahari Singh, S/O Late Yamuna Singh, Resident Of Village- Milky, P.O-
Karba, P.S- Udwant Nagar, District- Bhojpur (Bihar)

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

2 23-04-2015 Heard learned counsel for the petitioner and the State.

This application has been filed for quashing the order dated 31.01.2012 passed by the learned Chief Judicial Magistrate, Ara in Udwant Nagar P.S. Case No.242 of 2011 by which the cognizance has been taken against the petitioners and six others for the offence punishable under Sections 341, 323, 337, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioners submits that the allegation against the petitioner no.1 is to have shot fire by his licensee gun, but he has no firearms. The petitioner no.2 is his son and there is no specific allegation of overt act against both of them. They have been falsely implicated in this case as a

retaliation, as the petitioner no.1 Sri Bhagwan Singh has lodged a Sanha no.3176 of 2011 in the court of learned Chief Judicial Magistrate, Bhojpur at Ara against the family members of the informant.

On perusal of the impugned order, it appears that the learned Chief Judicial Magistrate, Ara has considered the charge sheet and the case diary and thereafter, he has found a prima facie case against the accused including the petitioners and thereafter, cognizance has been taken against them.

Considering the facts and circumstances of the case, I do not find any ground to interfere with the impugned order. However, it will be open to the petitioners to raise their grievance at the time of framing of charge.

This petition stands disposed of.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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