

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19178 of 2015

Arising Out of PS.Case No. -132 Year- 2014 Thana -DARBHANGA SADAR District- DARBHANGA

Babloo Alam @ Bablu @ Md. Asrar Alam @ Md. Asrar, Son of Md. Eshaque Alam, resident of village- Govindpur, P.S.-Barauni (Refinery O.P.), Distt.- Begusarai Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ram Chandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 05-05-2015

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 19th July, 2014 passed by the learned Chief Judicial Magistrate, Darbhanga in Darbhanga Sadar (Mobbi) P.S. Case No. 132 of 2014 whereby finding a prima facie case to be made out under Section 302 read with 34 of the Indian Penal Code and 27 of the Arms Act, the petitioner has been summoned to face trial.

According to the prosecution case, one Md. Ibrar, brother of the informant, was killed by the miscreants on NH-57 on 14.04.2014 at about 8.30 p.m. On receipt of the information in

respect of the killing of Md. Ibrar, the informant rushed to the place of occurrence and found firearm injury over the dead body of the deceased. The informant claimed that his brother was killed by the accused Saif Alam @ Raju Kundan Sonar, Jai Kumar and other miscreants. On conclusion of investigation, the police submitted charge sheet against the petitioner on the basis of materials collected in course of investigation. On receipt of the police report submitted under Section 173(2) of the Code of Criminal Procedure, the learned Chief Judicial Magistrate, Darbhanga took cognizance of the offence against the petitioner vide impugned order dated 19th July, 2014 and summoned the petitioner and one another to face trial.

Regard being had to the facts and circumstances of the case, I find no illegality in the order impugned. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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