

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.38953 of 2012**

Arising Out of PS.Case No. -513 Year- 2006 Thana -null District- PATNA

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1. Siya Ram Mishra S/o Late Damodar Mishra  
2. Ram Karan Mishra @ Fulo Mishra S/o Late Damodar Mishra  
3. Ram Prakash Mishra S/o Siya Ram Mishra.  
4. Ranjit Kumar Mishra S/o Siya Ram Mishra  
All Resident of Village- Asi, P.S- Ghanshyampur, Distt- Darbhanga.

.... .... Petitioners

Versus

1. The State of Bihar  
2. Ram Lakhan Mishra, S/o Late Damodar Mishra, Resident of Village- Asi, P.S- Ghanshyampur, Distt- Darbhanga.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha, Advocate  
For the State : Mr. Pradeep Narain Kumar, APP  
For the O.P. No. : Mr. Shyam Sunder Pandey, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL JUDGMENT

**Date: 28-04-2015**

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party no. 2.

In the present application under Section 482 of the Code of Criminal Procedure, the challenge is to the order dated 25.06.2007 passed by the learned Additional Chief Judicial Magistrate, Patna in G.R. Case No. 2681 of 2006/ Tr. No. 189 of 2007 whereby cognizance has been taken for the offences punishable under Sections 341, 323 and 504 of the Indian Penal

Code as well as 27 of the Arms Act.

A bare perusal of the first information report annexed to this application as Annexure-1 would reflect that the written report submitted by the informant of the case has been proved in course of trial and marked as Exhibit-1. The endorsement made on the written report has also been marked as Exhibit-1/1 on 04.04.2009 by the learned Judicial Magistrate before whom the matter is pending.

In view of the fact that on conclusion of investigation, charge sheet has been submitted. The Court has taken cognizance of the offences, charges have been framed and the trial has proceeded, I am not inclined to interfere with the order taking cognizance.

Accordingly, the application is dismissed.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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