

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33667 of 2014

Arising Out of PS.Case No. -29 Year- 2006 Thana -THAKURGANJ District- KISANGANJ

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1. Naveen Yadav, son of late Ramawtar Yadav
2. Anoj Yadav, son of late Deo Kumar Yadav
3. Mithilesh Yadav, son of late Deo Kumar Yadav
4. Manoj Yadav, son of late Deo Kumar Yadav
5. Arun Yadav, son of Brahmadeo Yadav
6. Rupesh Yadav, son of Brahmadeo Yadav
7. Barun Kumar Yadav, son of Brahmadeo Yadav
8. Tarun Yadav, son of Brahmadeo Yadav
9. Umesh Yadav, son of Chaturbhuj Yadav
10. Arup Kundu, son of late Amulya Kundu
11. Sunil Yadav, son of late Ramchandra Yadav
All resident of Mohalla Krishnapuri, Ward No. 2, P.S. Thakurganj, Distt. Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sukhdeo Hazara, Constable No.284, son of not known, Police Centre, Kishanganj Police, deputed as Body Guard of Gopal Kr. Agrawal, Thakurganj MLA, Thakurganj, Distt. Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kr. Jha, Adv.
For the State : Mr. R.B. Roy 'Raman', A.P.P.
For the Opposite Party No. 2 : Mr. S.K. Mishra, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-11-2015

Heard learned counsel for the Petitioners and the State.

The learned counsel for the Petitioners seeks permission to withdraw the application so far as the Petitioner No. 1 is concerned to avail his other remedies in accordance with law.

The application of Petitioner No. 1 is dismissed as withdrawn.

The rest of the Petitioners seek quashing of the order dated 24.6.2008 passed by the Sessions Judge, Purnea Camp at Kishanganj, in Cr. Revision 46/385 of 2006 by which he has affirmed the order of cognizance dated 13.9.2006 passed by the Chief Judicial Magistrate, Kishanganj, in Thakurganj P.S. Case No. 29 of 2006.

The case of the Informant is that on the date of occurrence, the Petitioners by forming unlawful assembly, forcibly attempted to enter the premises and when he prevented from doing so, they threatened and assaulted everyone.

It has been submitted on behalf of the Petitioners that from the First Information Report, it appears that apart from the Petitioner No. 1, no specific overt act has been alleged against rest of the Petitioners. Evidently, they have been roped in because they were followers of Petitioner No. 1.

On the other hand, the counsel for the Informant submits that since the Petitioners had also assisted in the high handed behaviour of the Petitioner No. 1, they should also be put on trial.

Having considered the vague nature of allegation against the present Petitioners, the application is allowed and the Proceeding including the order dated 24.6.2008 passed by the Sessions Judge, Purnea Camp at Kishanganj, in Cr. Revision 46/385 of 2006 and the order of cognizance dated 13.9.2006 passed by the

Chief Judicial Magistrate, Kishanganj, in Thakurganj P.S. Case No. 29 of 2006, so far as the Petitioners No. 2 to 11 are concerned, is hereby set aside without prejudice to the right of the Parties.

The Trial Court is directed to expedite the Proceeding and conclude it positively within a period of six months from the date of receipt of this order without granting unnecessary adjournment to any Party since the case is of the year 2006.

(Anjana Prakash, J)

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