

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47057 of 2012

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1. Nagendra Singh S/O Late Nandan Singh Resident Of Village- Paharpur, Post Office- Karhatiya, P.S.- Mahua, District- Vaishali
 2. Suresh Singh S/O Late Nandan Singh Resident Of Village- Paharpur, Post Office- Karhatiya, P.S.- Mahua, District- Vaishali
 3. Guddu Singh S/O Suresh Singh Resident Of Village- Paharpur, Post Office- Karhatiya, P.S.- Mahua, District- Vaishali
 4. Mukesh Singh S/O Suresh Singh Resident Of Village- Paharpur, Post Office- Karhatiya, P.S.- Mahua, District- Vaishali
 5. Mintu Singh S/O Suresh Singh Resident Of Village- Paharpur, Post Office- Karhatiya, P.S.- Mahua, District- Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar
2. Umesh Prasad Singh, son of Chandra Shekhar, resident of Village Paharpur, P.S. mahua, District Vaishali (Hajipur)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.N.P. Singh,
Mr. Surendra Prasad Singh, Advocates.
For the Opposite Party/s : Mr. Sunil Kumar Pandey(APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 21-05-2015 Heard learned counsel for the petitioners and learned counsel for the State.

This application has been filed for quashing the order dated 3rd October, 2012 passed in S.T. No.244f of 2012 by the Ad hoc A.D.J. IInd, Vaishali at Hajipur by which he has refused to discharge the petitioners for offences under Sections 324, 307 and 504/34 of the Indian Penal Code.

Allegation has been made against the petitioners that the dispute between the parties arose on account of

construction of road under the Pradhan Mantri Rojgar Yojna, encroaching the land of opposite party. Both sides picked up verbal dispute, situation turned violent, ultimately allegation has been made that petitioners have assaulted the informant with Spear (Bhala) and lathi.

Learned counsel for the petitioners submits that medical report does not support the case of the informant as the Doctor did not find any such injuries indicating intention to kill as recorded all injuries are simple caused by hard and blunt substance. The court below while rejecting the application under Section 228 of the Code of Criminal Procedure recorded that the accused persons have assaulted the informant with hard and blunt substance on the temporal region which is vital part of body. He has drawn the attention of this Court to the medical report from where it appears that informant has received injury at the temporal region.

The court below is right, at the time of framing of charge or discharge the court has required to test the case on the facet of strong suspicion and after discussion the material on record the court below arrived to a conclusion of sufficient material for framing of charge under Sections 307, 324, 341, 323, 504/34 and 307/34 of the Indian Penal Code.

This Court does not find any illegality in the impugned order.

Accordingly this application is dismissed.

(Shivaji Pandey, J)

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