

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48868 of 2012

Arising Out of PS.Case No. -1390 Year-2005 Complaint Case District- Samastipur

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1. Rajiv Sharma @ Dara Singh Son of Jireshwar Sharma
2. Satish Sharma Son of Late Nageshwar Sharma
3. Hiralal Tiwari Son of Raghunath Tiwari
4. Hari Mohan Mishra @ Bandhu Mishra Son of Kusheshwar Mishra
All residents of village- Malpur, P.S.- Tajpur (Halai O.P.), District- Samastipur
..... Petitioners

Versus

1. The State of Bihar
2. Tuntun Paswan Son of Late Rajendra Paswan, resident of village- Malpur, P.S.-
Tajpur (Halai), District- Samastipur
..... Opposite Parties

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Appearance :

For the Petitioners : Mr. V.N.P. Singh, Sr. Advocate
Mr. Amitabh Bhardwaj, Advocate
For the State : Mr. Jitendra Kumar Singh, APP
For the O.P. No.2 : Mr. N.K. Agrawal, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-06-2015

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

2. The present application has been filed for quashing the order dated 05.10.2012 passed in T.R. No.1130 of 2012 arising out of C.R. Case No.1390 of 2005 by which Shri Rakesh Kumar, the learned Judicial Magistrate, Ist Class, Samastipur, has allowed the petition filed by the complainant and rejected the discharge petition filed by the petitioners.

3. A perusal of the impugned order dated 05.10.2012 of the learned Judicial Magistrates discloses that having heard the parties and on perusal of the case record, the learned court has concluded that there are sufficient materials to frame charge against the petitioners.

4. It is well settled that at the stage of framing of charges even strong suspicion is sufficient and the court is not required to carry out a mini trial. It is also relevant to take note of the fact that the impugned order has been passed as far back as in the year 2012.

5. Having regard to the entirety of the facts and circumstances of the case, this Court does not find any merit in this petition. It stands, accordingly, dismissed.

(Vikash Jain, J)

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