

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34381 of 2012

Arising out of Complaint.Case No.C-978 Year- 2011 District-KISANGANJ

- =====
1. Jayanto Samajhdar @ Jayanti Samajhdar, Son of Jitan Samajhdar.
 2. Bambhal Samajhdar @ Bhambal Bhan Samajhdar, Son of Jitan Samajhdar.
 3. Arun Samajhdar, Son of Jayanti Samajhdar.
 4. Barun Samajhdar, Son of Jayanti Samajhdar.
 5. Chhotan Samajhdar, Son of Jayanti Samajhdar.
- All are residents of Bairagi Jhar (Hal Basti), P.S. Thakurganj, District Kishanganj.
6. Santu Singh, Son of Dharnidhar Singh.
 7. Putputi Devi, Wife of Santu Singh.
- Both are residents of Ojha Bhitha, P.S. Thakurganj, District Kishanganj.
- Petitioners

Versus

1. The State of Bihar.
 2. Balu Singh, Son of Late Faggu Singh, Resident of Bairagi Jhar (Halbasti), P.S. Thakurganj, District Kishanganj.
- Opposite Parties
- =====

Appearance :

For the Petitioners : Sri Raj Kumar, Advocate
For the State : Sri Ajay Kumar-I, APP
For the O.P. No. 2 : Sri Dilip Kumar Singh, Advocate

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA

ORAL JUDGMENT

Date: 09-03-2015

Heard the parties.

2. This petition is directed against the order dated 23.03.2012 by which the petitioners were summoned to stand their trial under Sections 147, 323 and 379 of the Indian Penal Code.

3. After having gone through the petition of complaint and considering the allegations contained therein and after having gone also through the impugned order what appears is that the learned Magistrate could pass the order impugned herein after considering material facts of the case.

4. It was contended by the petitioners that there was a counter version of the occurrence and one of the petitioners had filed Complaint Case No. 952 of 2011 and a proceedings under Section 144 Cr.P.C. was also initiated in respect of the disputed properties. These, in the opinion of the Court, are prospective defences of the petitioners which could not be taken into account for quashing the proceedings.

5. The petition is dismissed as of no merit.

6. Any order staying the proceedings in the court below passed by this Court shall stand vacated.

(Dharnidhar Jha, J.)

Sanjay/N.A.F.R.

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