

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41717 of 2012

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1. Ashu Lal @ Ashutosh Lal, son of Govind Lal, resident of Kayasth Tola, Vikramshila Nagar, P.S.-Kahalgaon, District- Bhagalpur.
2. Jeevan Choubey, son of Arbind Choubey, resident of Kajpura Balua Tola, P.S.-Kahalgaon, District- Bhagalpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Ajit Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 09-04-2015 Heard the learned counsel for the petitioners and the State.

The petitioners have challenged the order dated 17.07.2012 passed by the learned Chief Judicial Magistrate, Bhagalpur in G.R. No.1246/12 arising out of Kahalgaon P.S. Case No.152/2012 by which cognizance has been taken against the petitioners for the offence punishable under Sections 147, 148, 149, 341, 323, 504, 506 and 153 A of the Indian Penal Code.

The grievance of the petitioners is that after investigation, the police submitted charge sheet for the offence punishable under Sections 341, 323, 504/34 of the Indian Penal Code, but the learned Magistrate has also taken cognizance apart from these sections under Sections 147, 148, 149, 506 and 153A of the Indian Penal Code without materials on the record.

The learned counsel for the State submits that the petitioners have got opportunity to raise their grievance before the learned Magistrate at the time of framing of charge.

Considering the facts and circumstances of the case, this petition stands disposed of with liberty to the petitioners to raise their grievance before the learned Magistrate at the time of framing of charge, which will be considered by the learned Magistrate without being prejudiced by this order.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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