

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 3128 of 2016

Arising Out of PS.Case No. -11 Year- 2014 Thana -DARPA District-
EASTCHAMPARAN(MOTIHARI)

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1. Nazir Khan Son of Sanaullah Khan
2. Shakir Khan Son of Sanaullah Khan
3. Amir Khan Son of Nabitullah Khan
4. Raijun Nesha @ Raifun Nesha Wife of Sanaullah Khan
All are residents of village - Pakaria Paithan Patti, P.S. Darpa, District -
East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III

For the Opposite Party/s : Mr. Md. Sufiyan(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 29-07-2016 Heard Sri Sunil Kumar No. III, learned counsel for petitioners, Md. Sufiyan, learned Addl. Public Prosecutor as well as learned counsel, who has voluntarily appeared on behalf of informant.

Four petitioners have approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 25-11-2015 passed by the learned 6th Addl. Sessions Judge, Motihari, East Champaran in Sessions Trial No. 462 of 2015 (arising out of Darpa P.S. Case No. 11 of 2014) registered for the offence under Sections 147, 148, 149, 341, 323, 324, 504, 379 and 307 of the

Indian Penal Code. By the said order, learned 6th Additional Sessions Judge has rejected the discharge petition.

It was submitted by learned counsel for petitioners that in the F.I.R. or even during investigation, save and except the fact that petitioners were one of the member of the mob, there is no allegation of commission of any offence. So far as section 307 of the I.P.C. is concerned, it is only in respect of one another accused person, not against the petitioners and as such, petitioners were entitled to be discharged, but learned Addl. Sessions Judge has rejected the petition filed on behalf of petitioners under Section 227 of the Cr.P.C.

The Court is of the opinion that since petitioners are member of a mob, which has committed offence under Section 307 and other sections of the I.P.C., the learned court below has rightly rejected the petition filed for their discharge.

The petition stands dismissed.

(Rakesh Kumar, J.)

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