

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35239 of 2013

Arising Out of PS.Case No. -72 Year- 2012 Thana -KHAJEKALA District- PATNA

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1. Zakiullah Khan @ Md. Mintu @ Zafarullah Khan @ Mintu S/o Ziaullah Khan @ Nammu Khan
 2. Ziaullah Khan @ Nammu Khan S/O Late Abdur Rahim Khan
 3. Ejazullah Khan @ Babu @ Faiyatullah Khan S/o Ziaullah Khan @ Nammu Khan Resident Of Chiti Kaurhi, P.S.- Khajekalan, District- Patna.
 4. Zafarullah Khan @ Guddu S/o Ziaullah Khan @ Nammu Khan Resident of Chiti Kaurhi, P.S.- Khajekala, District- Patna.

.... Petitioners

Versus

1. The State of Bihar
2. Bishundeo Prasad Singh, S/o Late Ram Saran Singh, Resident of Village- Babanbiga, P.S.- Barbigha, District- Munger.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 10-08-2016

In the present application preferred under Section 482 of the Code of Criminal Procedure, the petitioners have challenged the order dated 14.08.2012 passed in Khajekala P.S. Case No. 72 of 2012 by which the cognizance has been taken by the learned Additional Chief Judicial Magistrate, Patna City, against the

petitioner under Sections 307 of the Indian Penal Code and 27 of the Arms Act.

I have perused the allegations made in the FIR and the order impugned passed by the court below. The allegations made in the FIR do attract ingredients of the offences alleged. It would be evident from the impugned order that the allegations made in the FIR were found to be true by the police during investigation and, hence, the petitioners were sent up for trial.

In that view of the matter, I find no illegality in the order dated 14.08.2012 passed by the learned Magistrate. Apart from the merit of the case, it is also relevant to note that the impugned order was passed on 14th August, 2012 and nothing has been brought on record to show the present status of the case.

Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	----
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