

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19946 of 2014

Arising Out of PS.Case No. -85 Year- 2010 Thana -CHAPRA CITY District- SARAN

=====

1. Sanjay Kumar
2. Bikash Kumar @ Vikash Kumar
3. Bishal Kumar @ Vishal Kumar
All sons of Bramahdeo Prasad Resident of Kathari Bagh Arya Nagar, P.S.
Chhapra Nagar, District Sharan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra

For the Opposite Party/s : Mr. Umeshanand Pandit(APP)

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 09-08-2016 Heard Sri Dhananjay Mishra, learned counsel for the
petitioners and learned A.P.P.

In the present petition the petitioners have prayed for
quashing of an order dated 5.12.2013 passed by learned 1st
Assistant Sessions Judge, Chapra, Saran in Sessions Trial No.
517 of 2011. By the said order petition filed on behalf of the
petitioners under section 228 of the Cr.P.C. was rejected.

Learned counsel for the petitioners submits that there is
material on record which suggests that no offence under section
307 of the I.P.C. is made out and other offences are triable by
the learned Magistrate. However the learned Sessions Judge,
according to learned counsel for the petitioners, has incorrectly

rejected the petition. On being asked learned counsel for the petitioners accepts that after rejection of the petition by order dated 5.12.2013, subsequently charges were framed and till date two witnesses have already been examined.

Keeping in view the fact that trial has already commenced , it would not be appropriate for this court to pass positive order in favour of the petitioners. However without recording any opinion on the merit of the case this petition is disposed of granting liberty to the petitioners to raise the point, which has been raised in the present petition at defence stage.

The petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

U		T	
---	--	---	--