

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35941 of 2013

Arising out of P.S. Case No. -44 Year- 2012 Thana -BATHNAHA District- SITAMARHI

- =====
1. Babujan Ansari, son of late Farijan Mian
 2. Md. Jakir Hussain, son of Maula Baksha Ansari
 3. Nurul Hoda, son of Maula Baksha Ansari
 4. Maula Baksha Ansari, son of late Farijan Mian
 5. Mustafa Ansari, son of Navijan Ansari
 6. Wasi Haider, son of Maula Baksha Ansari
 7. Aslam Ansari, son of Babujan Ansar
 8. Ajmat Ansari @ Ajmal Ansari, son of Umrul Ansari
 9. Ashraf Ansari, son of Babujan Ansari
- All resident of village Hari Bela, P.S. Bathnaha, Distt. Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Abdul Kadir, son of Md. Subhan Ansari, resident of village Hari Bela, P.S. Bathnaha, Distt. Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the State : Mr. Sanjay Kr. Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-08-2016

By way of the present application preferred under Section 482 of the Code of Criminal Procedure, the petitioner has challenged the order dated 10th July, 2013 passed by the learned Chief Judicial Magistrate, Sitamarhi, in connection with Trial No. 1001 of 2013 arising out of Bathnaha P.S. Case No. 44 of 2012, whereby cognizance has been taken of the offences punishable under Sections 341, 323, 307 and 504/34 of the Indian Penal Code and the petitioners have been summoned to face Trial.

2. I have perused the F.I.R. as contained in Annexure-1 to the present application. The petitioners are named in the F.I.R.

and the allegations made therein do attract ingredients of the offences alleged. The Police investigated the case and found the allegations made in the F.I.R. to be true. Accordingly, a Police report under Section 173 (2) of the Code of Criminal Procedure was submitted in the Court of Chief Judicial Magistrate, Sitamarhi.

3. On perusal of the First Information Report, the materials collected in course of investigation including the statements of witnesses recorded under Section 161(3) of the Code of Criminal Procedure and the Police report submitted under Section 173 (2) of the Code of Criminal Procedure, the Chief Judicial Magistrate, Sitamarhi, found a prima facie case to be made out under Sections 341, 323, 307 and 504/34 of the Indian Penal Code against the petitioners and summoned them to face Trial vide order dated 10th July, 2013.

4. Having perused the materials available on record, I see no illegality in the impugned order.

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

(Ashwani Kumar Singh, J)

S.Ali/-

AFR/NAFR	NAFR
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