

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19997 of 2014

Arising Out of PS.Case No. -24 Year- 2013 Thana -LAUKHA District- MADHUBANI

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1. Md. Gulab Hussain son of Dil Mohammad
2. Md Jamshed Son of Md Manager,
3. Md Yushuff Son of Md Lsrayel @ Pahari,
These all are residing at village Kamalpur, P.S.- Loukaha Destt-
Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha

For the Opposite Party/s : Mr. M.K. Nirala(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 09-08-2016

Heard Mr. Sanjeev Kumar Jha, learned counsel for the
petitioners and Mr. M.K. Nirala, learned A.P.P.

Three 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 3.3.2014 passed
by learned Assistant Sessions Judge 1st Madhubani in Sessions
Trial No. 19 of 2014 arising out of Loukaha P.S. Case No. 24 of
2013 registered for the offence under section 364/ 307/ 511 and
379 of the Indian Penal Code. By the said order petition filed on
behalf of the petitioners under section 227 of the Cr.P.C. for their
discharge has been rejected.

Learned counsel for the petitioners submits that the

petitioners and informant are co- villagers and in the F.I.R. none of the accused persons were named as accused. Even in the restatement the informant has not named the petitioners. However on third time his statement was recorded and in the said statement petitioners' name on the instance of enemy of the petitioners was given and thereafter the petitioners were implicated. It has emphatically been argued that save and except the statement of the informant there is no material to implicate the petitioners whereas Sri Nirala , learned A.P.P. opposing the prayer submits that from perusal of the impugned order it is evident that the learned Sessions Judge has noticed the submission which is being reiterated before this court and the learned Sessions Judge has referred number of paragraphs of the case diary to show that there is strong suspicion for proceeding against the petitioners.

In view of the facts and circumstances I do not find any error in the order impugned.

The petition stands dismissed.

(Rakesh Kumar, J)

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