

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 41075 of 2013

Arising Out of PS.Case No. -66 Year- 2009 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

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1. Pramod Kumar Mishra @ Pramod Mishra S/O Ragho Mishra
2. Prakash Mishra S/O Mani Bhushan Mishra @ Chinta Mishra
3. Awakash Kumar Mishra S/O Mani Bhushan Mishra @ Chinta Mishra
4. Maheshwar Mishra S/O Raghunath Mishra
5. Sanjay Mishra S/O Rathdeo Mishra
6. Uttam Mishra S/O Mani Bhushan Mishra @ Chinta Mishra
7. Gulo Mishra @ Gullu Mishra @ Ratnesh Mishra S/O Mani Bhushan Mishra @ Chinta Mishra
All Resident of Village - Lachhnauta, Mishra Tola, P.S. - Sathi, District - West Champaran

.... Petitioners

Versus

1. The State of Bihar
2. Sachida Nand Mishra S/O Radha Krishna Mishra Resident of Village - Lachhnauta, Mishra Tola, P.S. - Sathi, District - West Champaran

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Madan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 17-05-2016 Heard Sri Sanjeev Kumar, learned counsel for petitioners and learned Addl. Public Prosecutor.

Seven 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 20-08-2013 passed in Sessions Trial No. 546 of 2012 (arising out of Sathi P.S. Case No. 66 of 2009) registered for the offence under Sections 341, 342, 323, 324, 325, 307, 379, 447, 504/34 of the

Indian Penal Code. By the said order, the petition filed on behalf of petitioners under Sections 227 & 228 of the Cr.P.C. has been rejected.

Learned counsel for petitioners submits that on the basis of injury report, it is not a case for offence under Section 307 of the I.P.C. and as such, it was a fit case for remitting back the matter the learned Magistrate, whereas, learned Addl. Sessions Judge without application of mind has passed the impugned order.

Sri Madan Kumar, learned Addl. Public Prosecutor opposed the prayer of petitioners.

Besides hearing, I have also perused the material on record. After going through the impugned order, I do not find any apparent error warranting interference.

Dismissed.

(Rakesh Kumar, J.)

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