

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19537 of 2016

Arising Out of PS.Case No. -250 Year- 2014 Thana -BARHARA District- BHOJPUR

- =====
1. Vishal Kumar Singh @ Vishal Singh S/o Satyendra Singh
 2. Agnish Kumar Singh@Agnish Singh Son of Shivanand Singh
- Both resident of Village- Guri, P.s Barahara (Krishna Garh) District Bhojpur (Ara.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. B.N.Panday(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 01-08-2016 Heard learned counsel for the petitioner and counsel
for the State.

In this case, the petitioners are challenging the order taking cognizance dated 17.9.2015 passed by learned Chief Judicial Magistrate, Bhojpur (Ara) in Case No. 1485-A/3 C/3 related to Barahara (Krishna Garh) P.S. Case No. 250 of 2014 for offence under Sections 341, 323, 324, 325, 504, 34 of the Indian Penal Code.

An allegation has been made that the accused persons kept the stock of garbage at the land of the Informant. When it was objected, all the accused persons assaulted the Informant which led to fracture of the hand of Ranvir Singh. It has further been submitted that Vishal Singh assaulted the Informant by iron rod caused fracture of thumb. Further allegation has been made of

assault by Lathi, forcibly entered into the house, committed theft. The son of the Informant was also misbehaved in the manner to kill him and allegation has been made that the accused persons fractured the head of the son of the Informant.

Learned counsel for the petitioner has submitted that the accused persons are students. The police investigated the case and have not found any material for sent up them for trial but, the court below however has not assigned reason for differing with the final form. At the time of taking cognizance, the trial court was not required to conduct a semi trial. It appears from the order that the court below has applied his mind and has taken cognizance which is the order of the court below as he has quoted certain paragraphs of the case diary and, after being satisfied, took cognizance of the matter.

This Court, at this stage, is not inclined to interfere with the order taking cognizance. This application is, accordingly, dismissed.

However, liberty is given to the petitioners to raise all the points at the time of framing of charge.

(Shivaji Pandey, J)

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