

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20551 of 2016

Arising Out of PS.Case No. -311 Year- 2010 Thana -LAKHISARAI District- LAKHISARAI

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1. Bhuneshwar Yadav Son of Late Pota Yadav
 2. Kameshwar Yadav Son of Late Pota Yadav
 3. Makeshwar Yadav Son of Late Pota Yadav
 4. Bipin Kumar Son of Kameshwar Yadav
 5. Damodar Yadav Son of Late Gajo Yadav
 6. Tuntun Yadav Son of Damodar Yadav
 7. Bajo Yadav Son of Radhe Yadav
 8. Kanhai Yadav Son of Tulsi Yadav
 9. Ram Bilash Yadav Son of Tulsi Yadav
 10. Sant Lal Yadav Son of Prasadi Yadav
 11. Arjun Yadav Son of Prasadi Yadav
 12. Devan Yadav Son of Prasadi Yadav
 13. Ravindra Yadav Son of Late Ramdhani Yadav
 14. Upendra Yadav Son of Ram Chandra Yadav

All residents of Village- Phulaiya, P.S.- Ramgarh Chowk, District- Lakhisarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal

For the Opposite Party/s : Mr. Sanjay Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 08-08-2016

Heard Sri Bhola Prasad, learned counsel for the petitioners and Sri Sanjay Kumar, learned Addl. Public Prosecutor.

Fourteen 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 28.03.2016 passed in Sessions Trial no.974/2013 arising out of

Lakhisarai P.S. Case No.311/2010 registered for the offence under Section 302 and other allied Sections of the Indian Penal Code and 27 of the Arms Act. By the said order, the learned Sessions Judge has rejected the petition filed under Section 227 of the Code of Criminal Procedure for discharge of the petitioners.

Learned counsel for the petitioners tried to persuade the Court that there was no intention to murder and, as such, it is not a case under Section 302 of the Indian Penal Code.

Learned Addl. Public Prosecutor, by way of referring to F.I.R., indicates that there is specific material against the petitioners and during investigation, the accusation was found true.

I have perused the impugned order and after going through the same, the Court is satisfied that the learned court below has committed no error. The petition stands dismissed.

Keeping in view the fact that the F.I.R. was lodged long back in the year 2010, while dismissing the present petition, it is desirable to direct the trial court to proceed with the case for its expeditious disposal.

Let a copy of this order be sent to the court below forthwith.

NKS/-

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(Rakesh Kumar, J)