

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 52000 of 2013

Arising Out of PS.Case No. -13 Year- 2012 Thana -SAMHO District- BEGUSARAI

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1. Bhola Bind S/o Late Raja Bind
 2. Shuko Bind S/o Late Saudagar Bind
- Both are resident of village – Jagan Saidpur, P.S. – Samho, Dist. – Begusarai.

.... Petitioners

Versus

1. The State of Bihar
2. Kamleshwari Devi W/o Matha Yadav, R/o village – Gagan Saidpur, Ghagras, Distt. – Begusarai.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Nagendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 25-07-2016 Heard Sri Surendra Kishore Thakur, learned counsel for petitioners and Sri Nagendra Prasad, learned Addl. Public Prosecutor.

Two petitioners, who were named as accused in Samho P.S. Case No. 13 of 2012 registered for offence under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act, 1959, 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 16-11-2013 passed by learned Addl. District & Sessions Judge – IV, Begusarai in Sessions Trial No. 619 of 2013. By the said order, the petition filed on behalf of petitioners for discharge under Section 227 of

Cr.P.C. was rejected.

Learned counsel for petitioners, by way of referring to F.I.R., submits that there is no accusation against the petitioners, save and except petitioners were member of the accused persons, who had fired in the occurrence. He submits that even during investigation, none of the witnesses have said anything against the petitioners, save and except their presence.

Learned Addl. Public Prosecutor has opposed the prayer of petitioners.

Keeping in view the fact that in the F.I.R. itself, there is accusation that petitioners alongwith other accused persons were present at the place of occurrence, it's hardly matter whether the petitioners had shown any overt act or not.

The petition stands rejected.

(Rakesh Kumar, J.)

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