

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28052 of 2016

Arising Out of PS.Case No. -69 Year- 2015 Thana -BAHADURPUR District- DARBHANGA

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1. Ram Kirpal Sahni @ Ram Kripal Sahni Son of Sri Raj Kumar Sahni
 2. Vishun Sahani Son of Upendra Sahni @ Wakil Sahni
 3. Jhaji Sahni @ Jhoti Sahni Son of Bechan Sahni
 4. Baiju Sahni Son of Hazari Sahni
- All resident of village - Ammadih, Police Station Bahadurpur, District - Darbhanga
5. Manoj Sahni Son of Ram Lakhan Sahni Resident of Mohalla - Rahamganj, P.S. Laheriasarai, District – Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur
Mr. Md.Imteyaz Ahmad
For the Opposite Party/s : Mr. Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 30-09-2016 Heard Sri Ajay Thakur, learned counsel, who was assisted by Mr. Md. Imteyaz Ahmad, learned counsel for petitioners and Sri Vinod Shankar Modi, learned Addl. Public Prosecutor.

Five petitioners have approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 for quashing of an order dated 06-06-2016 passed by learned 2nd Additional Sessions Judge, Darbhanga in Sessions Trial No. 316 of 2015 (arising out of Bahadurpur P.S.Case No. 69 of 2015) registered for offences under Sections 147, 148, 149,

341, 323, 325, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act, 1959. By the said order, the learned Addl. Sessions Judge has rejected the petition filed for discharge under Section 227 of the Cr.P.C. on behalf of petitioners.

Sri Thakur, learned counsel for petitioners, assailing the order, submits that without any material, petitioners have been made accused and there is apparent error in the order impugned, whereas, Sri Modi, learned Addl. Public Prosecutor, by way of referring to impugned order itself, submits that the order, whereby discharge petition was rejected, categorically indicates that learned Addl. Sessions Judge has noticed number of paragraphs of the case diary and by assigning reason, he has passed order.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. After going through the impugned order, the Court is satisfied that there is no apparent error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J.)

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