

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25375 of 2013

Arising Out of PS.Case No. -55 Year- 2011 Thana -HATHIDAH District- PATNA

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1. Mukesh Sao Son Of Bhola Sao Resident Of Village- Dariyapur, P.S.
Hathidah, District- Patna

2. Deepak Sao Son Of Bhola Sao Resident Of Village- Dariyapur, P.S.
Hathidah, District- Patna

3. Bhola Sao Son Of Bisheshwar Sao Resident Of Village- Dariyapur, P.S.
Hathidah, District- Patna

.... Petitioners

Versus

1. The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kr.Singh 1(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 10-11-2016 Heard learned counsel for the petitioners and learned APP
for the State.

This application has been filed for quashing the order dated
17.04.2013 passed by learned Ist Additional Sessions Judge, Patna
in Special Case No. 109 of 2012 arising out of Hatidah P.S. Case
No. 55 of 2011 dated 20.11.2011 whereby and whereunder
discharge petition filed by the petitioners was dismissed after
finding sufficient materials for framing of charge under Sections
341, 323, 504/34 of the Indian Penal Code and Sections 3(i) (v)
of SC/ST (Prevention of Atrocities) Act.

It is submitted that admittedly, the dispute is for
Gairmazarua land and in first information report itself it is

mentioned that the petitioners have grabbed the Gairmazarua land of the informant and further after entering into her house abused and assaulted Rakesh Chaudhary and daughter-in-law Sunita Devi.

From perusal of impugned order it reveals that the learned Special Judge, Patna has found sufficient material for framing of charge under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(i) (v) of SC/ST (Prevention of Atrocities) Act and accordingly, dismissed the discharge petition.

At the stage of framing of charge the court is required only to see as to whether there is sufficient material on the record to proceed further or not. Here, the learned Special Judge, Patna being satisfied regarding sufficient material on the record has been pleased to hold that there is sufficient evidence for framing of charge under those Sections. During investigation also the witnesses have supported the allegation as made in the first information report. Thus, the impugned order being legal, correct and proper requires no interference by this Court. Accordingly, finding no merit in this application, the same is hereby dismissed.

(Jitendra Mohan Sharma, J)

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