

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.185 of 2016

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Bijali Mahto @ Navin Kumar Mahto, S/o Ram Chandra Mahto, resident of
Village- Dharha, P.O. Dharha, P.S. Rosera, District Samastipur.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Bipin Bihari Singh

For the Respondents : Mr. Anjani Kumar, AAG 6

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL ORDER

2 28-03-2016

The challenge in the present writ application is to an order dated 16th July, 2008, passed by the learned Additional Sessions Judge, Samastipur, whereby the petitioner was summoned under Section 319 of the Code of Criminal Procedure to stand trial for offences including the offence punishable under Section 302 of the Indian Penal Code. The reliance of the petitioner is to an order passed in Cr. Misc. No. 40898 of 2008 filed by another co-accused Ram Badan Mahto, wherein this Court has set aside the order of trial for the reason that the said petitioner has been summoned for unjustifiable reason.

The petitioner has challenged the order passed on 16th July, 2008 in a writ application filed more than seven years later. At this stage, I do not find the petitioner is entitled to any

indulgence on the basis of parity in the case of Ram Badan Mahto to invoke the jurisdiction of this Court in a petition under Article 226 of the Constitution of India.

In that view of the matter, there is no reason to interfere with the order of the learned trial court. The writ application is accordingly dismissed.

(Hemant Gupta, J)

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