

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27212 of 2016

Arising Out of PS.Case No. -97 Year- 2014 Thana -ITADHI District- BUXAR

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1. Binod Tiwari @ Vinod Tiwari S/o late Ramprit Tiwari
 2. Birendra Tiwari@Virendra Tiwari S/o late Ramprit Tiwari
 3. Mani Tiwari S/o Binod Tiwari
 4. Surendra Ram S/o Late Basdeo Ram
- All are resident of Vilage- Oari, PS Itarhi, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Devmuni Gora, S/o Nathuni Gore, Resident of Village Bairi, P.S. Itarhi, Dist. Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Adv.

For the Opposite Party/s : Mr. M.K. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 25-10-2016 Heard learned counsel for the petitioners and counsel
for the State.

In this case, the petitioners are challenging order taking cognizance dated 6.4.2015 passed by learned Chief Judicial Magistrate, Buxar in connection with Itarhi P.S. Case No. 97 of 2014 (G.R. No. 1556 of 2014) whereby cognizance has been taken against the petitioners under Sections 323, 504, 420, 436/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the police have submitted Final Form against the petitioners as the police did not find any material against the petitioners but, the

court below has wrongly mentioned Charge-Sheet No. 84/14. Learned counsel for the petitioners has also drawn attention of this Court towards the word Charge-Sheet which has been scored but, on perusal of this Annexure-2, which is Charge-Sheet, it does not indicate the word 'Arop Patra' has been scored. In fact it was not a Charge-Sheet but, it was a Final Form. In the order impugned, learned Magistrate has said that he has perused the record and found material against the petitioners.

In such a situation, this Court is not required to interfere in the matter. This application is, accordingly, dismissed with a liberty to the petitioners to raise all the points at appropriate stage.

(Shivaji Pandey, J)

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