

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 53952 of 2013

Arising Out of PS.Case No. -43 Year- 2005 Thana -SIKARHATA District- BHOJPUR

1. Ramdas Mishra S/O Late Keshwar Mishra.
2. Santosh Mishra.
3. Nawal Kishore Mishra, both sons of Late Ram Ekwil Mishra
All resident of Village Rauni, P.O. Dumaria, P.S. Sikarhatta, District
Bhojpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu
For the Opposite Party/s : Mr. J.Upadhyay (App)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 28-07-2016 Heard learned counsel for petitioners and Sri
Jharkhandi Upadhyay, learned Addl. Public Prosecutor.

Three petitioners 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 01-11-2013
passed in Sessions Trial No. 74 of 2013 (arising out of Sikarhata
P.S. Case No. 43 of 2005) registered for the offence under
Sections 147, 148, 149, 323 & 364 of the Indian Penal Code and
Section 27 of the Arms Act, 1959. By the said order, learned
A.D.J., F.T.C.-2, Ara has rejected the petition filed on behalf of
petitioners for discharge.

Learned counsel for petitioners while pressing the

present petition submits that during investigation, accusation was found false and thereafter, police submitted final report, with recommendation to prosecute the informant of the present case under Sections 182/211 of the Indian Penal Code. However, the learned Magistrate, differing with the police report, took cognizance of the offence and at the stage of charge, when petition for discharge was filed, the learned Magistrate, in a mechanical manner, has rejected the discharge petition, whereas, Sri Jharkhandi Upadhyay, learned Addl. Public Prosecutor opposing the prayer submits that there was specific accusation against the petitioners. He submits that from the place of occurrence, huge quantity of cartridges were also recovered and statement of victim was recorded under Section 164 of the Cr.P.C., which categorically discloses commission of offences.

Besides hearing, I have also perused the materials on record. Prima facie, I do not find any apparent defect warranting interference with the impugned order.

The petition stands dismissed.

(Rakesh Kumar, J.)

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