

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45624 of 2013

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1. Habibur Rahman Son of A. Ajij
2. Abdul Halim Son of A. Bahab
3. Abdul Haque @ A. Haque Son of Saied Ali
4. Barik @ Abdul Barik Son of Saied Ali
5. Aajab @ Ajad Ali Son of Md. Musha
6. Danish @ Md. Danesh Son of Md. Musha
7. Akthar Son of Mazhar Ali
All Resident of Village- Sikorna, Police Station- Kadwa, District- Katihar

.... Petitioners

Versus

1. The State of Bihar
2. Md. Naimuddin Son of Md. Hanif Resident of Village- Sikorna, Police Station- Kadwa, District- Katihar

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Dilip Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 05-07-2016 Heard Sri Bimal Kumar, learned counsel for
petitioners and Sri Dilip Kumar, learned Addl. Public Prosecutor.

Seven petitioners have approached this Court under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 16-09-2013 passed by learned Adhoc Addl. Sessions Judge II, Katihar in Sessions Trial No. 292 of 2012 (arising out of Kadwa P.S. Case No. 10 of 2011) registered for offences under Sections 147, 148, 149, 323, 324, 307, 379 of the Indian Penal Code. By the said order, learned Addl. Sessions Judge has rejected the petition filed under Section 228 of Cr.P.C.

on behalf of petitioners. By the said order, the prayer of petitioners for remitting back the matter to the learned Magistrate for trial, since according to petitioners no offence is triable by the court of sessions, was rejected.

Learned counsel for petitioners submits that only due to dispute of Madarsa, false case was instituted, whereas, on perusal of impugned order and material on record, the Court is satisfied that there is no ground for interfering with the same.

The petition stands dismissed.

(Rakesh Kumar, J.)

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