

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53982 of 2015

Arising Out of PS.Case No. -124 Year- 2013 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Umanath Jha
 2. Pashupati Nath Jha Both Sons of Late Ram Bahadur Jha
 3. Subodh Jha Son of Sri Kamlakant Jha
 4. Munna Jha Son of Sri Laxman Jha
 5. Shrawan Jha Son of Late Triveni Jha
 6. Shankar Jha Son of Late Triveni Jha
 7. Surendra Jha Son of Late Vishwanath Jha
 8. Hena Lal Jha Son of Late Vishwanath Jha
 9. Tuntun Jha Son of Late Srikant Jha
 10. Rajiv Kumar Jha Son of Sri Dinesh Jha
 11. Manish Kumar Jha Son of Sri Dinesh Jha
 12. Prabhat Jha Son of Sri Baijnath Jha
 13. Kamlakant Jha Son of Late Ravi Nandan Jha All are residents of Village - Hasanpur Osti, Tola - Harpur Osti, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arun Kumar (Informant) Son of Late Jagdish Prasad the then Block Development Officer, Mahua, Vaishali, Resident of At - Sri Bagman Kunj Apartment, Flat No. 205, R.No. 5D, North Sri Krishnapuri, P.S. - S.K. Puri, Patna - 800013.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anupam Sinha
For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 22-11-2016 This application has been filed seeking quashing of an order, dated 19.09.2015, passed by the learned First Additional Sessions Judge, Vaishali at Hajipur in connection with Trial No. 404 of 2015 arising out of Mahua P.S. Case No. 124 of 2013 (G.R. No. 1733.2013), whereby he has rejected the application of these petitioners filed under Section 228(1)

of the Code of Criminal Procedure, 1973.

2. The main contention of the petitioners is, as was there in their application filed under Section 228(1) of the Code of Criminal Procedure, 1973 that no offence under Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 could be said to be made out on the basis of the materials collected in course of investigation.

3. The case diary has been made available.

4. Upon perusal of the First Information Report itself, it appears that offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out. It cannot be said on the basis of the materials collected in course of investigation that there is nothing to support the case of the prosecution.

5. I do not find any illegality in the impugned order, dated 19.09.2015 passed by the learned Court below as it could not have been held at that stage that no offence at all could be made out on the basis of materials on record constituting offence punishable under Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

This application is, accordingly, dismissed.

ArunKumar/-

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(Chakradhari Sharan Singh, J)