

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1936 of 2016

Arising Out of PS.Case No. -2 Year- 2014 Thana -ROSHANGAANJ District- GAYA

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1. Javed Jafar Khan @ Ajmeri Khan, Son of Zafar Alam Khan
 2. Milan Khan @ Khizre Iqbal Son of Zafar Alam Khan
 3. Dampy @ Jalil Zafar Khan Son of Zafar Alam Khan
 4. Shanu Khan @ Shanawaz Khan, Son of Shamshir Alam @ Shamshir Alam Khan
 5. Modassir @ Modassir Shamsir @ Md. Ser @ Md. Samiser Son of Shamsir Alam Khan null
 6. Behzad Khan @ Alam Khan Son of Shamshir Alam Khan
 7. Dum Dum @ Md. Hussam Khan Son of Shamshir Alam Khan
 8. Munna Khan @ Md. Shanshah Alam Khan @ Muhan Khan @ Shahnshah Alam Son of Late Abdul Haseeb Khan null
 9. Chhotan Khan @ Safir Alam Khan Son of Late Abdul Haseeb Khan
 10. Md. Shamshad Alam Khan Son of Late Abdul Jalil Khan
 11. Md. Saheb Alam @ Md. Shah Alam Khan @ Shah Alam Khan @ Sheb Alam Son of Md. Shamshad Alam Khan
 12. Pappy @ Md. Intekhab Alam Khan @ Pachu @ Iftekhar Alam Khan Son of Md. Shamshad Alam Khan
 13. Budhan Khan @ Md. Nehal Son of Late Sheikhwa All are resident of Village- Dumrawan, P.S.- Raushanganj, Bankey Bazar, P.S.- Raushanganj (Bankey Bazar), District- Gaya
 14. Pintu Khan @ Guam Haidar @ Mintu Khan, Son of Md. Sikander Khan
 15. Nanhe Khan @ Shamstabrez Khan, Son of Late Md. Shamshad Khan
 16. Akram Khan Son of Kamil Khan @ Sadama Khan Petitioner No. 14 to 16 are resident of Village- Baseta, P.S.- Kothi, District- Gaya
 17. Ehsan Khan Son of Late Aurangzeb Khan, resident of Village- Hamzapur, P.S.- Amas, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarshar Ali Khan, Son of Sarwar Ali Khan, Resident of Village- Khaira, P.S.- Raushanganj (Bankey Bazar), District- Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Ajay Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-02-2016 The present application has been filed for quashing the
order dated 31.07.2014 passed in Raushanganj P.S. Case No. 02 of

2014 by learned JM, 1st Class, Sherghati whereby the process has been directed to be issued after cognizance being taken for the offences punishable under Sections 147, 148, 149, 447, 323, 379, 384, 427 and 504 of the IPC and Section 27 of the Arms Act.

It is submitted by learned counsel for the petitioners that in the background of civil nature of dispute when the issue has travelled in civil side up to the High Court, the accusation has been levelled. This is not in dispute that on conclusion of investigation, the petitioners have been chargesheeted and after going through the materials collected during investigation the impugned order has been passed.

At the time of taking cognizance, learned Magistrate has only to see the prima facie case.

In the circumstance, this Court is not inclined to interfere.

Accordingly, the application is disposed of with liberty to the petitioners to raise all the contentions at the time of framing of charge.

(Dinesh Kumar Singh, J)

Amrendra/-

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