

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5704 of 2015

Arising Out of PS.Case No. -520 Year- 2013 Thana -SHERGHATI District- GAYA

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1. Arvind Prasad Gupta @ Arvind Kumar Gupta son of Raghuveer Gupta, resident of Mohalla - New Bazae Sherghati, P.S. - Sherghati, District - Gaya.
 2. Sanjay Yadav son of Vipat Yadav, resident of village - Katahara, P.S. Sherghati, District - Gaya.
 3. Vikash Singh @ Vikash Kumar son of Late Kamdeo Singh, resident of village- Power House, P.S. - Sherghati, District - Gaya.
 4. Deepak Kumar son of Laleswar Singh, resident of Mohalla - Katiya, P.S.- Sherghati, District - Gaya.
 5. Chun Chun Yadav son of Dev Dhari Yadav, resident of village - Maliya Chak, P.S. - Amas, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 26-02-2016

By way of the present application preferred under section 482 of the Code of Criminal Procedure (for short "CrPC"), the petitioners seek quashing of the order dated 14.11.2014 passed by the learned Sub. Divisional Judicial Magistrate, Sherghati in Sherghati P.S.Case No.520 of 2013 whereby and where under cognizance has been taken against the petitioners under sections 147, 148, 149, 341, 323, 504 and 379 of the Indian Penal Code as well as section 27 of the Arms Act.

2. I have heard learned counsel for the petitioners, learned counsel for the State and perused the materials available on record.

3. In the first information report there is specific allegation against the petitioners that they abused and assaulted the informant and his relatives on 23rd December, 2013 and when they protested one of the accused, namely, Arbind Gupta fired upon them. The police investigated the case and found the allegations to be true and thereafter a report under section 173(2) of the CrPC was submitted before the jurisdictional Magistrate. The learned Sub Divisional Judicial Magistrate, Sherghati, after going through the allegations made in the FIR, the police report submitted under section 173(2) of the CrPC and the statements of the witnesses recorded under section 161(3) of the CrPC in the case diary, took cognizance of the offences vide impugned order dated 14.11.2014.

4. I find no illegality in the impugned order. Accordingly, the application, being devoid of any merit is, hereby, dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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