

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4650 of 2016

Arising Out of PS.Case No. -32 Year- 2015 Thana -BELAGANJ District- GAYA

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Bedar Ahmad, son of late Akhtar Hussain R/o village Bhalua Tola P.S.
Belaganj, district Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1

For the Opposite Party/s : Mr. Damodar Prasad Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 05-08-2016 Heard Sri Aditya Narain Singh, learned counsel for the
petitioner and Sri Damodar Prasad Tiwary, learned A.P.P.

The petitioner, has invoked inherent jurisdiction of this court under section 482 of the Code of Criminal Procedure , with a prayer to quash an order dated 12.6.2015 passed by learned Sessions Judge, Gaya whereby he has rejected the revision preferred by the petitioner vide Cr. Revision No. 74 of 2015 against an order dated 7.5.2015 passed by learned Chief Judicial Magistrate, Gaya in Belaganj P.S. Case No. 32 of 2015. The learned Chief Judicial Magistrate has rejected the petition filed on behalf of the petitioner for release of his rifle.

Learned counsel for the petitioner tried to persuade the court that in the order there is error of record. He submits that incorrectly it was submitted by the learned D.P.O. before the

court below that the petitioner’s rifle was used twice in two cases.

Keeping in view the fact that the order rejecting prayer for release of the rifle of the petitioner has already been approved by the revisional court, the present petition which has been filed in the garb of section 482 of the Code of Criminal Procedure amounts to second revision , which is barred under section 397(3) of the Cr.P.C.

The petition stands dismissed.

(Rakesh Kumar, J)

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