

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33580 of 2013

Arising Out of PS.Case No. -143 Year- 2010 Thana -MAHISI District- SAHARSA

=====

1. Md. Sakil S/O Late Ebaneali.
2. Ishaque @ Md. Bhola S/O Late Nabbi Ahmad.
3. Md. Ajamtullah S/O Usuf
All are resident of Village- Kundah, P.S.- Mahisi (Jalai), District- Saharsa.

.... Petitioners

Versus

1. The State of Bihar
2. Dhamendra Kr. Singh S/O Ramadhar Das Vill.- Kundah, P.S.- Mahisi (Jalai), Dist.- Saharsa

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra
For the Opposite Party/s : Mr. Mayanand Jha (App)

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 10-05-2016 Heard learned counsel for petitioners and Dr. Mayanand Jha, learned Addl. Public Prosecutor .

Three petitioners have approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 18-07-2013 passed by learned Adhoc Addl. Sessions Judge 1st, Saharsa in S.C. Case No. 67 of 2013. By the said order, the learned court below has rejected the petition filed for discharge on behalf of petitioners. The petitioners were made accused in Mahishi P.S. Case No. 143 of 2010 registered for the offence under Sections 147, 148, 149, 448, 341, 323, 435, 307 & 504 of the Indian Penal

Code and Sections 25(1-b), 26, 27& 35 of the Arms Act, 1959.

Learned counsel for petitioners accepts that after investigation, police has submitted chargesheet and at the stage of charge, the petitioners raised a plea that no offence under Section 307 of the I.P.C. is made out and as such, it is not a case triable by the court of sessions, whereas, learned Addl. Public Prosecutor submits that there was accusation of opening fire in the occurrence and as such, he submits that there is no apparent error in the impugned order.

After hearing the parties and considering the impugned order, the Court is of the opinion that there is no apparent error warranting interference.

Dismissed.

(Rakesh Kumar, J.)

Anay

U		T	
---	--	---	--