

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27150 of 2013

Arising Out of PS.Case No. -160 Year- 2009 Thana -BRAHMPUR District- BUXAR

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1. Indra Kumar Singh @ Indra Singh
 2. Munna Kumar Singh alias Munna Singh
- Both sons of late Inshwar Deo Singh alias Indradeo Singh both residents of village Nauli Police Station Suhwal, District Gazipur (Uttar Pradesh)
3. Prabhunath Singh, son of Late Radha Singh resident of village Chhatanwar Police Station Krishna Brahm District Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh

For the Opposite Party/s : Mrs. Veena Rani Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 28-04-2016 Heard Dr. Rajesh Kumar Singh, learned counsel for the petitioners and learned A.P.P.

Three petitioners, invoking inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure have approached with a prayer to quash an order dated 12.6.2013 passed by Sri S.K. Singh, learned Adhoc Additional Sessions Judge IV, Buxar in Sessions Trial No. 3 of 2013 arising out of Brahmpur (Krishna Brahm) P.S. Case No. 160 of 2009 registered for the offence under Section 302/ 34 of the Indian Penal Code. By the impugned order the learned court below has rejected the petition for discharge filed under section 227 of the Code of Criminal Procedure.

Learned counsel for the petitioners tried to persuade the court that of -course F.I.R. was lodge under Section 302 / 34 of the Indian Penal Code, after investigation chare sheet was submitted under Section 304 / 34 of the Indian Penal Code and Section 27 of the Arms Act. Learned counsel for the petitioners also tried to persuade the court that it is not a case under Section 304 rather it is a case under Section 304A of the Indian Penal Code.

Besides hearing, I have also perused the materials available on record.

I do not find any defect.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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