

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45777 of 2013

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1. Md. Obaid Siddiqui Son Of Late Md. Abdulla
2. Md. Ozair Siddiqui Son Of Md. Obaid Siddiqui
Both Resident Of Village - Kazidara Puraini, P.S. - Jagdishpur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Md. Aftab Alam Son Of Late Md. Ashfaque Alam (Retd. S.I. Of Police)
Resident Of Mohalla - Dilawarpur, P.S. - Kotwali, District - Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed. Rizwanul Haque

For the Opposite Party/s : Mr. J.Upadhyay(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 25-07-2016 Heard Sri Alok Kumar Sinha, learned senior counsel,

assisted by Mr. Md. Syed Rizwanul Haque, learned counsel for
the petitioners and Sri Jharkhandi Upadhyaya, learned A.P.P.

Two 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 3.9.2013 passed
by learned Judicial Magistrate 1st Class, Munger in G.R. No.
1760 of 2011 arising out of Kotwali P.S. Case No. 378 of 2011.
By the said order the learned Magistrate has rejected the petition
for discharge filed on behalf of the petitioners.

Learned counsel for the petitioners submits that falsely
petitioners were made accused whereas fact remains that daughter

of the petitioner no. 1 was done to death by burn. From the informant's side to save their skin a false case was instituted. It has further been argued that during investigation nothing has come against the petitioners, whereas Sri Jharkhandi Upadhyaya, learned A.P.P. as well as Sri Santosh Kumar Sinha, learned counsel for the informant, opposing the prayer submits that in the F.I.R. itself there is specific accusation and in the re-statement also the informant has corroborated the allegation so far occurrence is concerned. The allegation of commission of occurrence has been elaborated during investigation.

Besides hearing, I have perused the case diary and after going through the same the court is satisfied that it is not a case for interference with the order of rejection of discharge petition.

The petition stands dismissed.

(Rakesh Kumar, J)

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