

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54033 of 2013

Arising Out of PS.Case No. -77 Year- 2010 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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1. Rajesh Bahadur Singh Son Of Late Harendra Bahadur Singh Resident Of Village- Sirsi, P.S. Chainpur, District- Kaimur At Bhabua
2. Ramdular Singh Son Of Late Vijay Bahadur Singh Resident Of Village- Khania, P.S.- Chand, District- Kaimur At Bhabhua

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mahatma Satsewanand Ji Chela Satyanand Ji Bramha Vidhyalaya And Ashram Chhotaka Rajpur, P.S.- Semari, District- Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr.Jitendra Singh, SR. Adv., Mr.Tej Pratap Singh and Kamal Kishore Singh.
For the State : Mr.Ram Naresh Roy

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 02-05-2017 1. This application has been filed for quashing the order dated 30.11.2013 passed by the learned Sub-divisional Judicial Magistrate, Kaimur at Bhabhua in Trial No. 1803.2013 arising out of Chinpur P.S.Case No. 77 of 2010 by which he has rejected the petition for discharge filed on behalf of the petitioners under Section 239 of the Code of Criminal Procedure.

2. Heard learned counsel for the petitioners, learned counsel for opposite party no.2 and learned A.P.P. for the State.

3. Learned counsel for the petitioners submitted that there was no material against the petitioners in the case diary. The court below has rejected the petition merely on the ground that



discharge petition of other persons has been rejected. The petitioners are practicing advocates and they have been falsely implicated in this case. They have been working on behalf of Kripanarayan Singh.

4. Learned counsel for opposite party no.2 has appeared and pointed out paragraph nos. 8,9 and 10 of the counter affidavit wherein it has been mentioned that the applications filed by other accused persons before this Court for quashing the proceeding was earlier rejected vide Annexures B and C. They preferred S.L.P.(Cr.) M.P. 875/2015 before the Hon'ble Supreme Court, which was also dismissed vide Annexure C/1 to the counter affidavit. It is further submitted that Kripanarayan has lost the civil dispute upto Hon'ble High Court in Second Appeal. The copy of order dated 09.01.1996 passed in S.A.No. 454 of 1993 is annexed as Annexure E to the counter affidavit.

5. From perusal of the impugned order this Court finds that the learned Judicial Magistrate after discussing the facts and also finding sufficient materials in the case diary rejected the discharge petition filed by the petitioners under Section 239 Cr.P.C. The learned magistrate has mentioned in the impugned order that there is specific allegation against the petitioners of commission of the offence along with other persons. Therefore,



this Court does not find any merit in this application.

Accordingly, this application is dismissed.

(Sanjay Priya, J)

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