

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44742 of 2014

Arising Out of PS.Case No. -364 Year- 2012 Thana -JAHANABAD District- JEHANABAD

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1. Umesh Sharma

2. Mahesh Kumar @ Mahesh Sharma

Both sons of Late Alakh Sharma R/o Vill : - Babhana, P.S. + Distt. - Jehanabad.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar, Advocate.

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 10-10-2017

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners submits that so far as
these two petitioners are concerned they were not sent up for trial but
the learned Magistrate differed with the police report while taking
cognizance decided to issue summons against these two petitioners as
well. Learned counsel submits that the issuance of summons against
the not sent up accused is not supported by any material evidence.

3. On the other hand, learned A.P.P. points out there are
allegations against these two petitioners and the allegations are that at
the instigation of petitioner no. 1 Umesh Sharma, petitioner no. 2
Mahesh Sharma pushed down the informant. He submits that the



materials as aforesaid are sufficient, at least for purpose of cognizance and summons only a *prima facie* case has to be seen at this stage.

4. Having considered the submissions this Court is not inclined to interfere into the matter of taking cognizance and issuance of summons. If the petitioners are so advised, they may raise all such pleas which are available to them at the time of framing of charge.

5. The application stands dismissed.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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