

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50135 of 2013

Arising Out of PS.Case No. -109 Year- 2011 Thana -BARBIGHA District- SEKHPURA

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1. Nepali Singh S/o Badi Singh,
2. Nigam Devi W/o Nepali Singh
Both resident of Village- Sherpur, P.S- Barbigha, District- Sheikhpura.
.... Petitioners

Versus

1. The State of Bihar
2. Niranjan Kumar, son of Rajendra Prasad Singh, resident of village-Kaithir, P.S.-
Hisua, District-Nawada.
.... Opposite Parties

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Appearance :

For the Petitioner/s : None
For the Opposite Party no2 : None
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-06-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing of the order dated 24.09.2012 passed by the learned Chief Judicial Magistrate, Sheikhpura in Barbigha P.S. Case No. 109 of 2011 whereby cognizance has been taken for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

2. The petitioners are named in the FIR which was instituted for the offence punishable under Section 302 and 201/34 of the Indian Penal Code. Specific allegations have been made in the FIR against the petitioners.

3. On completion of investigation, the police found



the accusation against the petitioners to be true under Section 306 and 201 of the Indian Penal Code pursuant to which a report under Section 173(2) of the Code of Criminal Procedure was submitted in the court of the Chief Judicial Magistrate, Sheikhpura.

4. After having perused the allegations made in the FIR, the substance of accusation recorded in the police report and the materials available in the case diary as also the statements of the witnesses recorded under Section 161(3) of the Code of Criminal Procedure, the learned Chief Judicial Magistrate vide order dated 24.09.2012 took cognizance of the offence under Sections 306 and 201 of the Indian Penal Code.

5. I have perused the FIR, the police report and the statements of witnesses recorded under Section 161(3) of the Code of Criminal Procedure in the case diary. Since a prima facie case is made out against the petitioners, there is no illegality in the order dated 24.09.2012.

6. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2017
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