

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48590 of 2013

Arising Out of PS.Case No. -1875 Year- 2011 Thana -GAYA COMPLAINT CASE District- GAYA

- =====
1. Ramdas Rabidas, S/O Prasad Rabidas.
 2. Munakka Devi, W/O Ramdas Rabidas.
 3. Karu Das, S/O Ramdas Rabidas.
 4. Sanjay Das, S/O Ramdas Rabidas.
 5. Dharmendra Das, S/O Ramdas Rabidas.

All are residents of Village- Chirailla, Police Station- Muffasil, District- Gaya.

.... Petitioners.

Versus

1. The State of Bihar.
2. Suresh Rabidas, S/O Bhuneshwar Rabidas, Resident of Village- Chirailla, Police Station- Muffasil, District- Gaya.

.... Opposite Parties.

=====

Appearance :

For the Petitioners : Mr. Sanjay Kumar Sinha, Advocate.

For the State : Mr. S.M. Rahman (A.P.P.).

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 31-07-2017

Heard.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 07.08.2012 passed in Complaint Case No.1875 of 2011/Tr. No.1731 of 2013, whereunder the court of the Judicial Magistrate, First Class, Gaya, summoned the accused petitioners under Section 204 of the Code of Criminal Procedure, on inquiry, finding prima facie case under Sections 147, 148, 323, 324, 326 and 380 of the Indian Penal Code against them.



3. Learned counsel for the petitioners submits that the petitioners have been summoned through the impugned order in Complaint Case No.1875 of 2011/Tr. No.1731 of 2013 for the occurrence of at about 08.00 P.M. in the night on 01.11.2011 but for the same occurrence, the brother of the complainant/opposite party no.2 has also lodged Gaya (Muffasil) P.S. Case No.227 of 2011 on 01.11.2011 for the offence under Sections 326 and 504 of the Indian Penal Code against one Karu Ravidas. As such, summoning the accused-petitioners through the impugned order in Complaint Case No.1875 of 2011/Tr. No.1731 of 2013 is illegal.

4. On going through the impugned order, I find no illegality therein amounting to abuse of the process of the court for interference with the same in an extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application stands dismissed. However, the petitioners would be at liberty to raise their point, as raised herein, at the appropriate stage in the trial court.

(Rajendra Kumar Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2017
Transmission Date	31.07.2017

