

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 44542 of 2014**

Arising Out of PS. Case No.-288 Year-2000 Thana- Khagaria District- Khagaria

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1. Shyamdeo Paswan Son of Late Ram Swaroop Paswan
  2. Jaijai Ram Paswan S/O Late Ram Swaroop Paswan
  3. Brahmadeo Paswan S/O Late Mahavir Paswan  
All the resident of Village- Shumbha Gaighat, P.S.- Alouli,  
District- Khagaria.
  4. Laxmi Mahton Son of Sonelal Mahton, Resident of Village-  
Patelia, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioners

Versus

1. The State of Bihar
2. Ram Bahadur Mahton Son of Late Kewal Mahto, Resident of Village- Patelia,  
P.S.- Bibhutipur, District- Samastipur.

... .. Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Ram Sumiran Rai  
For the Opposite Party/s : Mr. L.K.Sharma(APP)

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

3. 08-09-2017                      Heard Sri Ram Sumiran Rai, learned counsel for  
petitioners and learned Addl. Public Prosecutor.

The present petition was filed in the month of November, 2014 against an order, which was passed long back on 26-09-2012 by Sri A.K.Gond, learned Judicial Magistrate 1<sup>st</sup> Class, Khagaria in Khagaria P.S. Case No. 288 of 2000, G.R. No. 940 of 2000. By the said order, a petition filed on behalf of petitioners under Section 239 of the Cr.P.C. for their discharge was rejected.

Considering the fact that discharge petition was rejected long back in the year 2012, it would not be appropriate



to examine the correctness of the said order in the year 2017.

Accordingly, the petition stands dismissed.

The petitioners would be at liberty to take all the pleas, which have been taken in the present petition, before the court below at the stage of argument.

**(Rakesh Kumar, J.)**

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