

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33665 of 2014

Arising Out of PS.Case No. -186 Year- 2012 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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1. Deventi Devi W/o Harendra Ram
2. Banarsa Devi @ Banarsi Devi W/o Yogendra Ram All resident of village-
Ghariari Chka, P.O. - Mehsi, P.S. - Mehsi, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Birendra Kumar Son of Late Baruni Ram R/o Village - Ghariari Chak, P.O. -
Mehsi, P.S. - District - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyank Samdarshi

For the Opposite Party/s : Mr.S.Ahmad.

For the State : Mr.Dinesh Singh,A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 28-07-2017

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. This application has been filed by the petitioners
under Section 482 of Cr.P.C. challenging the order dated 7.5.2013
passed by the A.C.J.M., Motihari, in connection with Mehsi P.S.Case
No.186/12 whereby he has taken cognizance of offence under
Sections 341, 323, 324, 325, 307 and 504/34 of the I.P.C

3. The prosecution case, as narrated in the F.I.R., in
brief, is that the informant while sitting at his door saw accused
persons unloading sand so he requested them to unload the sand by



the side of the road, thereafter Harendra Ram, Yogendra Ram, Nagendra Ram, Ram Pravesh Kumar and Anand Mohan turned up there and started assaulting him. They also assaulted other family members. Ram Pravesh Kumar gave a blow over the head of the nephew of the informant by a sharp cutting weapon causing injury on his head.

4. Learned counsel for the petitioners submits that petitioners are not named in the F.I.R. and there is no allegation at all in the F.I.R. against these petitioners. The informant has narrated the entire occurrence but no allegation of participation is alleged against petitioners.

5. Whereas learned counsel appearing on behalf of O.P.N.2 submits that the S.D.P.O. has supervised the case and found the case true against these two petitioners alone.

6. Having considered the rival submissions and on perusal of material on record apparently there is no material against these petitioners who were even not named in the F.I.R.. So, the entire proceeding as well as cognizance order dated 7.5.2013 passed in Mehshi P.S. Case No.186/12 with respect to only these two petitioners is hereby set aside. In the result, the petition stands allowed.

(Arun Kumar, J)

AnilKrSinha/-

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