

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36089 of 2014

Arising Out of PS.Case No. -115 Year- 2010 Thana -MAJHAHGARH District- GOPALGANJ

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1. Izharuddin S/o Late Ash Mohammad
 2. Shakra Khatoon W/o Qaisar Ali
 3. Buni Khatoon D/o Izharuddin
 4. Noor Saba Khatoon W/o Babu Mian
 5. Seraj Khatoon W/o Md. Hasnahi
 6. Tuni Khatoon W/o Asgar Ali
 7. Safiga Khatoon W/o Rahmatullah
 8. Abdul Zoha S/o Babu Nain

All Resident of Village Fulwaria, P.S. Manjhagarh, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Home, Govt. of Bihar, Patna.
2. Ramjee Prasad S/o Sheo Jain Prasad Resident of Village Fulwaria, P.S. Maujhagardh, District Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Md. Anisur Rahman
For the Opposite Party/s	:	Mr. Satish Chandra Mishra Md. Nurul Hoda
For the State	:	Mr. Subhash Prasad Singh, GA3 Mr. Dilip Kumar, AC to GA3

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 15-09-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 09.05.2014 passed in Criminal Revision No. 330 of 2011 as well as the order dated 26.07.2010 passed by the learned Chief Judicial Magistrate, Gopalganj in G.R. Case No. 1355 of 2010 (Trial No. 570 of 2011) arising out of Manjhagarh P.S. Case No. 115 of 2010 whereby and whereunder cognizance for the offence under Sections 323, 337 and



341/34 of the Indian Penal Code was taken against the petitioners.

2. Heard both sides.

3. The Opposite Party No. 2 lodged an F.I.R. with S.H.O. of Manjhagarh Police Station, Gopalganj alleging inter alia that on 29.05.2010, when he along with Ashre Alam was returning from the field by his tractor and reached near Bathan of Izharuddin of village Fulwaria, all the petitioners armed with gun and country made pistol intercepted his tractor. They abused and assaulted the informant and also snatched wrist watch from his possession.

4. On perusal of F.I.R. and impugned order, I find that all the petitioners are named in the F.I.R. with specific allegation that they intercepted the informant and Ashre Alam and brutally assaulted them. They snatched wrist watch from the possession of the informant. The matter was investigated and police submitted charge-sheet against the petitioners. The learned Magistrate after going through the case diary and police report took cognizance of offence under Sections 323, 337 and 341/34 of the Indian Penal Code against the petitioners. The petitioners challenged the said cognizance order before the learned Sessions Judge by filing Criminal Revision No. 330 of 2011. The revision was heard by the learned Adhoc Additional District and Sessions Judge-II, Gopalganj and after hearing both sides, the learned court dismissed the revision observing that a large number



of witnesses had supported the allegation of assault against the petitioners. The learned Adhoc Additional District and Sessions Judge-II has discussed the injuries sustained by the informant and Ashre Alam, which was available with the case diary. The contention of the learned counsel for the petitioners that the allegation appears improbable cannot be considered at this stage and in this view of matter, I do not find any illegality in the impugned order requiring any interference.

5. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2017
Transmission Date	19.09.2017

