IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46366 of 2013
Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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1. Rajesh Thakur Son Of Satya Narayan Thakur Resident Of Village- Bibi Bankatawa, Police Station- Bathawaria, District- West Champaran.
2. Parawal Thakur @ Vijay Thakur Son Of Baldev Thakur Resident Of Village- Kala Chipra, P.S.- Gaurichak, District- Patna.

.... Petitioners

Versus

1. The State Of Bihar
2. Nagendra Ram Son Of Late Chothi Ram Resident Of Village- Wi-Wi Bankatawa, Police Station- Bathwaria, District- West Champaran.

.... Opposite Parties

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Appearance :
For the Petitioners : Mr. Milind Kumar Mishra, Advocate
For the Opposite Parties : Mr. Ambika Bhagat, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 19-07-2017

Heard learned counsel for the petitioners. No one appears on behalf of the opposite party no. 2 and State.

The petitioners, in the present case, are seeking quashing of the order dated 11.01.2013 passed by learned Judicial Magistrate, 1st Class, Bagaha, West Champaran in connection with Tr. No. 1660 of 2013 arising out of SC/ST Bagaha P.S. Case No. 28 of 2012, in which cognizance has been taken under Section 341, 323, 504 of the Indian Penal Code read with 3(i)(x) of SC/ST Act.

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Learned counsel for the petitioners submits that although in the First Information Report, name of five persons have been given as witnesses, who had seen the occurrence, however, in course of investigation, police has not examined any one of them.

Considering the allegations made in the F.I.R. and the fact that in course of investigation police has claimed that there are sufficient materials to proceed against the accused persons and a charge-sheet has been filed against them and learned Judicial Magistrate, 1st Class has taken cognizance of the offences, I am not inclined to exercise my power under Section 482 Cr.P.C. at this stage.

The petitioners, if so advised, may raise all such issues and grounds which are available to them at the time of framing of charge and the same shall be considered by the court below and appropriate order shall be passed in accordance with law.

(Rajeev Ranjan Prasad, J.)

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