

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33283 of 2014

Arising Out of PS.Case No. -100 Year- 2013 Thana -SAHKUND District- BHAGALPUR

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1. Manoj Yadav . S/O Kamleshwari Yadav
2. Amit Yadav S/O Manoj Yadav .
3. Kamleshwari Yadav S/O Late Banarsi Yadav All Resident of Village -
Rampurdihi , P.S.- Sajor , Shahkund , District -Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bijendra Yadav S/O Ravi Yadav , Resident of Village Rampurdihi, P.S .-Sajor,
Shahkund , District - Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awlokiteshwar Mishra, Advocate.

For the Opposite Party/s : Mr. Durga Nand Jha, Advocate.
Mr. Vovelamamd Jha, Advocate.

For the State Mr. Dashreth Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 03-08-2017

Heard learned counsel for the petitioners and the
learned counsel for the State.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 23.06.2014 passed in Criminal Revision No. 127 of 2014, wherein the Sessions Judge, Bhagalpur, dismissed the aforesaid criminal revision preferred by the petitioners affirming the order dated 13.01.2014 passed in Shahkund (Sajour) P.S. Case No. 100 of 2013, whereby the learned Chief Judicial Magistrate, Bhagalpur, took the cognizance of the offence under Sections 341, 323, 427 and 504/34 of the Indian Penal Code, against the seven accused including the petitioners named in the F.I.R. differing with the final form submitted by the Investigating



Officer against the petitioners and one Shayam Lal.

3. Perused the order dated 13.01.2014 passed in Shahkund (Sajour) P.S. Case No. 100 of 2013, it appears that on investigation the police submitted the charge sheet only against Bilas Yadav and Chandan Yadav and submitted the final form against the five accused named in the F.I.R. including the petitioners but the learned by the Chief Judicial Magistrate, Bhaglapur, took the cognizance of the offence under Sections 341, 323, 427 and 504/34 of the Indian Penal Code, on perusal of the materials available in the case diary against all seven accused named in the F.I.R. including the petitioners. The learned Sessions Judge has considered the same in the impugned order. As such, I find no illegality in the impugned order amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure.

4. Accordingly, this application is dismissed. However, the petitioners would be at liberty to raise his defence/points in trial court at the appropriate stage.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
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