

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51756 of 2014

Arising Out of PS.Case No. -2178 Year- 2008 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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Ramesh Yadav Son of Shiv Kumar Yadav Resident of Village - Khawaspur
Khalifa Ka Tola, P.S.- Krishnagarh, Barhara, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Chandrika Yadav Resident of Village - Khawaspur
Khalifa Ka Tola, P.S.- Krishnagarh, Distt- Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha

For the Opposite Party/s : Mr. A.L. Pandit (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 21-11-2017 Heard the learned counsel for the petitioner and

the learned A.P.P. for the State.

This Criminal Miscellaneous has been filed
against the order dated 22.09.2014 passed by the learned
Additional District & Sessions Judge- 3rd, Bhojpur at Ara in Cr.
Revision No. 31 of 2014, whereby and whereunder, the learned
Additional District & Sessions Judge, 3rd, Ara did not interfere in
the order of the learned Magistrate passed in the Complaint Case
No. 2178 C of 2008, Tr. No. 5375 of 2010 dated 20.11.2013.

It is submitted that after enquiry, considering the
materials available during enquiry prima-facie offence under



section 323 of the I.P.C. was only found against the petitioner and ten others and thereafter after appearance the accusation was explained, but during trial on the basis of the petition filed on behalf of the complainant the case was converted into warrant trial adding sections 380, 384, 451 and 504/34 of the I.P.C. by order dated 20.11.2013. Against that order Criminal Revision was filed which was dismissed by order dated 22.09.2014 by 3rd Additional District & Sessions Judge, Bhojpur at Ara.

After perusal of the impugned orders it reveals that there is no illegality, incorrectness or impropriety. On the basis of the evidences available during trial the learned Magistrate found sufficient materials under sections 380, 384, 451 and 504/34 of the I.P.C. and accordingly passed the order. The impugned orders do not suffer with any irregularity, illegalities and those orders do not require any interference.

In the result, finding no merit in this Criminal Miscellaneous, the same is hereby dismissed at the admission stage itself.

(Jitendra Mohan Sharma, J)

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