

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.708 of 2014

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1. Arvind Prasad, son of Late Hari Prasad
2. Asha Devi, wife of Shri Arvind Prasad
3. Deepak Kumar, son of Shri Arvind Prasad
4. Sanjeev Kumar, son of Shri Arvind Prasad
All resident of village Bolakpur, Police Station Hulasganj, District
Jehanabad

.... Petitioners

Versus

1. The State of Bihar
2. Birendra Prasad, son of Sri Basudeo Singh, resident of village
Bolakpur, Police Station Hulasganj, District Jehanabad

.... Respondents

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Appearance :

For the Petitioners : Mr. Jagdish Prasad
Mr. Ashok Kumar
For the State : Mr. S.M.Rahman (App)
For O. P. No. 2 : Mr. Dharmendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

6 03-03-2017 Heard learned Counsel for the parties
concerned.

The petitioners are aggrieved by an order, dated 28.06.2014, passed, in Sessions Trial No. 01 of 2014/47 of 2014, by learned Additional Sessions Judge III, Jehanabad, whereby he has rejected a petition filed by the petitioners under Section 228 of the Code of Criminal Procedure, 1973, observing that sufficient materials are there on record to proceed against them under Sections 341, 323, 337, 307, 506 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.



Learned Counsel appearing on behalf of the petitioners has submitted that by no stretch of imagination, commission of offence punishable under Section 307 of the Indian Penal Code is made out on the basis of what has been alleged in the First Information Report. According to him, just to make the offence grave, an allegation has been made that the petitioners opened fire, which did not hit anyone.

Be that as it may, rejection of the petition under Section 228 of the Code of Criminal Procedure, 1973, cannot be said to be completely erroneous, requiring this Court's interference in criminal revisional jurisdiction.

This application is accordingly dismissed.

It is, however, made clear that if, finally, the accusations against the petitioners are found to be false, the petitioners shall be at liberty to take steps for prosecuting the informant for malicious prosecution.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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