

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51192 of 2013

Arising Out of PS.Case No. -370 Year- 2008 Thana -KALUAHI District- MADHUBANI

- =====
1. Vinay Krishna Kumar @ Mahesh Yadav @ Vinay Krishna Kumar Yadav, Son of Lal Bahadur Yadav, Resident of Village - Narar, Gularia Tola, Police Station - Kaluahi, District – Madhubani.
 2. Ram Kumar Yadav, Son of Chandeshwar Yadav, Resident of Village - Chhaparadhi, Police Station - Kaluahi, District – Madhubani.
 3. Birendra Kumar Yadav @ Birendra Yadav, Son of Ram Prasad Yadav, Resident of Village - Chhaparadhi, Police Station - Kaluahi, District – Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 22-06-2017

Heard learned counsel for the petitioners, learned counsel for the informant 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 03.10.2013 passed in Kaluahi P.S. Case No. 370 of 2008, whereby the learned Chief Judicial Magistrate, Madhubani, took cognizance for the offence under Sections 147, 148, 149, 323, 448, 380, 370 and 302 of the Indian Penal Code against 20 accused persons named in the F.I.R. including the petitioners while the Investigating Officer had submitted the charge sheet against only six persons.



3. On going through the impugned order, it appears that while the Investigating Officer submitted the charge sheet against six persons, namely, Dev Sundar Yadav, Dilip Yadav, Sanjay Yadav, Vijay Yadav, Ram Chandra Yadav and Shiv Kumar Yadav but on perusal of materials available in the case diary, the learned Chief Judicial Magistrate took cognizance of the offence under Sections 147, 148, 149, 323, 448, 380, 370 and 302 of the Indian Penal Code against the said accused and also 14 others named in the F.I.R.. 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 their defence/points in trial court at the appropriate stage.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
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