

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54240 of 2013

Arising Out of PS.Case No. -41 Year- 2012 Thana -INARWA District- WEST CHAMPARAN
(BETTIAH)

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1. Sk. Inteyaz @ Sheikh Inteyaz @ Inteyaz Alam,
2. Sk. Qyamuddin
Both sons of late Sheikh Dukhi
Both resident of village- Barwa Parsauni, P.S- Inerwa, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Isha Mian, s/o late Isahaque Mian,
Resident of village- Barwa Parsauni, Badhaiya Tola, P.S- Inerwa, District- West
Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Satyendra Nr. Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 18-05-2017

1. This application has been filed for quashing the order dated 12.12.2012 passed by the learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Inerwa P.S. Case No. 41 of 2012 by which the learned Magistrate took cognizance against the petitioners for the offence under Sections 341, 323, 324, 326, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

2. The instant case has been listed on 10.5.2017, but none appeared on behalf of the petitioner. Thereafter, the case has been adjourned to be listed on 12.5.2017.

3. Today, also none has appeared on behalf of the petitioner.



4. From the impugned order, this Court finds that after submission of charge sheet, the learned Magistrate took cognizance after looking into the materials available in the case diary as well as in the *Fardbeyan*. The court below has mentioned in the impugned order that there is sufficient material to take cognizance against the petitioners for the offence under Sections 341, 323, 324, 326, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

5. Therefore, this Court does not find any illegality in the impugned order dated 12.12.2012 passed by the learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Inerwa P.S. Case No. 41 of 2012 by which the learned Magistrate took cognizance against the petitioners for the offence under Section 307 and other allied Sections of the Indian Penal Code.

6. This Criminal Miscellaneous application is accordingly dismissed.

7. The trial court will proceed in the trial in accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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