

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50620 of 2013

Arising Out of PS.Case No. -85 Year- 2011 Thana -TISIAUTA District- VAISHALI(HAJIPUR)

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1. Bhuneshwar Singh S/O Late Ram Kishun Singh Resident Of Village-Dabhaich Tola, Goachak, P.S.- Tisiauta, District- Vaishali.
 2. Upendra Singh S/O Late Ram Kishun Singh Resident Of Village-Dabhaich Tola, Goachak, P.S.- Tisiauta, District- Vaishali.
 3. Ranjit Kumar Singh S/O Bhuneshwar Singh Resident Of Village-Dabhaich Tola, Goachak, P.S.- Tisiauta, District- Vaishali.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Opposite Party/s : Mr. Sadanand Paswan (App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 27-02-2017

Heard.

2. This application, filed on behalf of the petitioners, under Section 482 of the Code of Criminal Procedure, is directed against the order 21.08.2013 passed in Tisiauta P.S. Case No.85/11 whereunder the learned Chief Judicial Magistrate, Vaishali at Hajipur, took cognizance of offence under Sections 342, 323 and 302/34 of the Indian Penal Code and under Section 3(ii) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act differing with the opinion of the I.O. submitting final form after investigation.



3. Learned counsel for the petitioners submits that while the petitioners were named in the F.I.R. but after investigation police submitted final form in Tisiauta P.S. Case No.85/11 registered for the offences under Sections 342, 323 and 302/34 of the Indian Penal Code due to mistake of fact. But the learned Chief Judicial Magistrate, Vaishali at Hajipur, on perusal of the case diary took cognizance through the impugned order for the offences under Sections 342, 323, 302/34 of the I.P.C. and 3(ii) (v) of the S.C/S.T. Act.

4. On going through the impugned order, I find no illegality therein amounting to abuse of the process of the court for interference with the same in an extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure of this Court.

5. Accordingly, this application stands dismissed. However, the petitioner would be at liberty to raise their points, as raised herein, in the trial court at the appropriate stage.

(Rajendra Kumar Mishra, J)

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