

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.717 of 2016

Arising Out of PS. Case No.-125 Year-2013 Thana- BEUR District- Patna

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1. Umesh Yadav S/o Hari Gope
 2. Aruni Devi D/o Umesh Yadav
 3. Anil Kumar S/o Umesh Yadav All resident of Vill- Harnichak Mushahri, P.s Beur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s : Mr. Amitesh Kumar (App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-09-2018 This petition under Section 482 Cr. P. C. has been filed for quashing the order dated 28.5.2015 passed by the learned *Ad hoc* Additional and Sessions Judge-VI, Patna in Sessions Trial no. 951 of 2014 arising out of Beur P.S. case no. 125 of 2013 by which learned Sessions Judge has dismissed the discharge petition of the petitioners.

It is alleged in the written report that on the date of occurrence family members of the informant and accused persons were quarreling. In the meantime, the informant reached there and tried to pacify the matter but the accused Umesh Yadav, who is elder brother of informant, assaulted him with brick bat on his head causing injury to him. It is further alleged that other accused persons, namely Anil and Aruni



Devi, who are son and daughter of the Umesh Yadav, also assaulted the informant. The cause of occurrence is land dispute.

Learned counsel for the petitioners has submitted that in the instant case injuries were found to be simple in nature, There was land dispute between the parties The trial Court has mentioned in the impugned order that there is allegation against accused persons of assaulting the informant on head and informant has sustained injury on account of such assault.

The impugned order has been passed after looking into the allegation in the written report and the materials available in case diary. The learned Magistrate is only required to see whether there are sufficient material to frame charge in the case. Therefore, this Court does not find any illegality in the impugned order.

This Cr. Misc. petition is, accordingly, dismissed.

The Court below will proceed in the case in accordance with law.

(Sanjay Priya, J)

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