

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10447 of 2016

Arising Out of PS.Case No. -178 Year- 2014 Thana -MAJORGANJ District- SITAMARHI

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1. Arvind Chaudhary
2. Amit Chaudhary @ Amit Kumar,
Both sons of Late Ram Sevak Chaudhary, resident of village and P.S.-
Mejorganj, District - Sitamarhi. Petitioner/s

Versus

1. The State of Bihar.
2. Mostt. Ram Kumari Devi wife of Late Ramashankar Prasad, resident of village
and P.S. - Mejorganj, District - Sitamarhi. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Chauhan, Advocate
For the State : Mr. Ajay Kumar No.2, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 15-01-2018

This application under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') has been filed by the petitioners for quashing the order dated 18.11.2014 passed by the learned Chief Judicial Magistrate, Sitamarhi in connection with Majorganj P.S. Case No.178 of 2014 by which he has taken cognizance of the offences punishable under Sections 302 read with 34 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

2. The petitioners are named in the first information report along with others for causing murder of the son of the informant. The police also found materials against the petitioners during investigation and on the basis of statement of the witnesses recorded under Section 161(3) of the Cr.P.C. finding the case to be true submitted charge-sheet against them.



3. The learned Magistrate having seen the FIR, the statement of the witnesses recorded under Section 161(3) of the Cr.P.C. and the police report submitted under Section 173(2) of the Cr.P.C. found sufficient materials to proceed against the petitioners and took cognizance of the offences alleged in the FIR.

4. Learned counsel for the petitioners submitted that the learned Chief Judicial Magistrate, Sitamarhi has not considered the materials available in the case in correct perspective and passed mechanical order without applying his judicial mind summoning the petitioners to face trial.

5. In my considered opinion, in view of the allegations made in the FIR, materials collected during investigation and the police report submitted by the investigating officer, no error can be found with the order passed by the learned Chief Judicial Magistrate, Sitamarhi.

6. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
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