

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2677 of 2016

Arising Out of PS.Case No. -34 Year- 2011 Thana -ANDHRATHARI District- MADHUBANI

1. Rekha Devi @ Rekha Yadav, Wife of Shiv Nath Yadav, Resident of Village-Sigyoun, P.S.-Anandhara Thardhi, District-Madhubani.
2. Shiv Nath Yadav, Son of Khattar Yadav, Resident of Village-Sigyoun, P.S.-Anandhara Thardhi, District-Madhubani.
3. Ranjit Yadav, Son of Matar Yadav, Resident of Village-Sigyoun, P.S.-Anandhara Thardhi, District-Madhubani.
4. Baiday Nath Rai, Son of Late Raj Kumar Rai, Resident of Village-Marukiya, P.S.-Andhara Thardhi, District-Madhubani.
5. Shiv Nath Rai, Son of Late Raj Kumar Rai, Resident of Village-Marukiya, P.S.-Andhara Thardhi, District-Madhubani.
6. Bhagwat Rai, Son of Late Nathuni Rai, Resident of Village-Marukiya, P.S.-Andhara Thardhi, District-Madhubani.
7. Kamal Narayan Rai, Son of Late Ram Swarup Rai, Resident of Village-Marukiya, P.S.-Andhara Thardhi, District-Madhubani.
8. Debu Rai, Son of Late Raghu Nandan Rai, Resident of Village-Marukiya, P.S.-Andharathari, District-Madhubani.
9. Mohan Rai, Son of Late Dashrath Rai, Resident of Village-Marukiya, P.S.-Andharathari, District-Madhubani.
10. Satto Rai, Son of Late Gauri Rai, Resident of Village-Marukiya, P.S.-Andharathari, District-Madhubani.
11. Bharat Gupta, Son of Late Asharfi Gupta, Resident of Village-Marukiya, P.S.-Andharathari, District-Madhubani.
12. Pramod Rai, Son of Jibachh Rai, Resident of Village-Marukiya, P.S.-Andharathari, District-Madhubani.
13. Mahendra Yadav @ Mahendra Prasad, Son of Shobhit Yadav @ Sobha Kant Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
14. Ganeshi Yadav @ Ganesh Yadav, Son of Late Umakant Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
15. Indra Kant Yadav, Son of Late Madhukar Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
16. Ram Chandra Sahu, Son of Upendra Rai, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
17. Baidyanath Yadav, Son of Asharfi Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
18. Raj Kumar Yadav, Son of Duldul Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
19. Ram Prit Yadav, Son of Hira Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
20. Nathuni Yadav, Son of Narayan Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
21. Ram Babu Yadav, Son of Narayan Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
22. Damodar Yadav, Son of Late Malu Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
23. Manager Yadav, Son of Singheshar Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.



24. Anand Rai, Son of Chandeshwar Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
25. Arun Rai, Son of Jirth Rai, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
26. Anil Rai, Son of Bisheshwar Rai, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
27. Ramchandra Yadav, Son of Mattar Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
28. Ramdeo Yadav, Son of Gangai Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
29. Ladeo Yadav, son of Subai Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
30. Bhola Yadav, Son of Achche Lal Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
31. Bhogi Yadav, Son of Ramabatar Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
32. Achche Lal Yadav, Son of Ramabatar Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
33. Shankar Yadav, Son of Mauje Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
34. Biltu Yadav, Son of Ram Lakhan Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
35. Jagernath Yadav, Son of Indra Kant Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
36. Ram Narayan Yadav, Son of Ram Lal Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
37. Hari Mohan Thakur, Son of Late Sukadeo Thakur, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
38. Ram Sewak Yadav, Son of Late Shobha Kant Yadav, Resident of Village-Sisiyaon, P.S.-Andhrathari, District-Madhubani.
39. Manoj Kumar Jha @ Manoj Jha, Son of Raghubir Jha, Resident of Village-Rahikpur, P.S.-Andhrathari, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 13-09-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 08.12.2014 passed by the Judicial Magistrate, 1st class, Jhanjharpur



in Andhratharhi P.S. Case No.34 of 2011 by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section(s) 333, 337, 338, 353, 393, 188, 427, 120(B), 504 of Indian Penal Code and Section 3/4 of Damage to Property Act.

Heard counsel for the petitioners and learned APP for the State.

Counsel for the petitioners submits that there is general allegation against the petitioners in the written report.

Learned APP has submitted that the petitioners are named in the written report. There is allegation against the petitioners that after forming unlawful assembly they committed assault with police party and also caused damage to public property. The police has submitted charge-sheet against the petitioners. The cognizance has been taken against the petitioners after looking into allegation in the written report and materials available in the case diary.

From perusal of the impugned order, this Court finds that the learned Magistrate after looking into the materials available in the case diary as well as allegation in the written report has taken cognizance against the petitioners. Petitioners are named in the written report.

Therefore, at this stage, this Court is not inclined to



interfere with the impugned order passed by the learned Court below.

This application is, accordingly, **dismissed**.

The petitioners are given liberty to raise all the points, as raised in the present application, at the time of framing of Charge, which shall be considered and disposed off by the learned Court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18-09-2018
Transmission Date	18-09-2018

