

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.636 of 2015

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1. Amit Kumar Singh @ Bajrang Singh.

2. Praveen Kumar Singh @ Pintu Singh.

Both Sons of Yamuna Singh, R/o Village Taraiya, P.S. Ramgarh, District Kaimur (Bhabua).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Adv.

For the State : Mr. Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 15-02-2018 The petitioners have challenged the order dated 14.05.2015, passed by the learned Chief Judicial Magistrate, Bhabua (Kaimur) in connection with Ramgarh P.S. Case No. 10 of 2002, whereby the request of the Investigating Agency of discharging the petitioners has been rejected and the case of the petitioners has been committed to the Court of Sessions for trial for the offences punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

From the records, it appears that the charge-sheet against the petitioners was submitted by the police,



whereas the investigation with respect to the other accused persons was kept pending. Thereafter, by supplementary report, it was submitted by the police that the deceased had died because of illness and that the case was found to be mistake of fact. Simultaneously, it was prayed by the Investigating Agency that the petitioners, against whom charge-sheet was submitted, be also discharged.

From the order impugned, it appears that the court below took note of the aforesaid fact, but finding that cognizance had already been taken against the petitioners, refused to accede to such a prayer of the Investigating Agency and committed the case to the Court of Sessions.

No fault can be found with the order passed by the learned Chief Judicial Magistrate, Bhabua (Kaimur). The petitioners have other remedies, which, if so advised, they can pursue before the Sessions Court.

The petition is dismissed with the liberty aforesaid.

(Ashutosh Kumar, J)

Praveen-II/-

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