

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3701 of 2016

Arising Out of PS.Case No. -1170 Year- 2013 Thana -SA SARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Kripa Shankar Dubey
2. Daya Shankar Dubey
3. Raj Kishore Dubey
4. Arvind Kumar Dubey All son of Ram Byash Dubey.
5. Ram Byash Dubey, son of Late Kedar Dubey. All are resident of Village
Tetari, Police Station- Sasaram (Muffasil) District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajesh Kumar Singh, son of Late Suryakeshwar Singh, resident of
Mohalla- Mahavir Asthan Kuraich beside Kishan Middle School, Police
Station- Sasaram(Model) District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Choubey
For the Opposite Party/s : Mr. Anil Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 14-09-2018 Heard the learned counsel for petitioners, O.P. No. 2

as well as the State.

The present petition has been filed for quashing of
order dated 24.11.2015 passed by learned Sessions Judge, Rohtas in
Cr. Rev. No. 290/2015, whereby the court below has dismissed the
revision petition and upheld the order dated 31.08.2015 rejecting the
discharge petition by petitioners under Section 239 of the Cr.P.C. in
Sasaram (M) P.S. Case No. 1170/2013 and further quashing of order
dated 31.08.2015 passed by learned Chief Judicial Magistrate,
Sasaram in Sasaram (M) P.S. Case No. 1170/2013.

Learned counsel for petitioners has submitted that



there is land dispute between the parties. No offence has been made out against the petitioners.

Learned counsel for O.P. No. 2 has submitted that the discharge petition of petitioners has been dismissed by the revisional court in Cr. Rev. No. 290/2015 dated 24.11.2015 affirming the order of learned Chief Judicial Magistrate, Sasaram in Sasaram (M) P.S. Case No. 1170/2013.

In the written report, there is allegation against these petitioners that on the date of occurrence petitioners assaulted the informant and also took away Rs. 28,000/- from his pocket and snatched a golden chain worth Rs. 30,000/-

The court below as well as revisional court has mentioned in the impugned order that the witnesses in different paragraphs of case diary has supported the prosecution case.

In view of such, this Court does not find any illegality in the impugned order.

Therefore, the Cr. Misc. petition is dismissed.

The court below is directed to proceed with the case in accordance with law.

(Sanjay Priya, J.)

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