

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3282 of 2016

Arising Out of PS.Case No. -428 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

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Amit Kumar @ Amit Singh @ Ankit Kumar, S/o- Anil Kumar Sharma, Resident of
Punjabi Mohalla, Naya Bazar, Lakhisarai, P.S.- Lakhisarai, District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarobar Saw, son of late Anju Saw, r/o Durgi Maharaj Gali, Naya Bazar, P.S.
Kabaiya, Distt. Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Advocate.

For the State : Mr. T.N. Thakur, A.P.P.

For the opposite party No.2 : Mr. Manoj Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 19-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 30.09.2015 passed by learned Chief Judicial Magistrate, Lakhisarai, in Lakhisarai P.S. Case No. 428 of 2015, G.R. No. 977 of 2015 by which the learned Magistrate after holding enquiry took cognizance against the petitioner and other accused persons for the offences under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

2. The prosecution case in brief is that the deceased Ganesh Kumar, who was son of the informant used to deal with the business of sale and purchase of land. It is alleged that on 14.06.2015



son of the informant (since deceased) received a call on his phone by which he was called for Panchayat at Sansar Pokhar. The deceased, (son of informant) namely, Ganesh Kumar had gone to Sansar Pokhar to attend Panchayti by his Motorcycle. Thereafter, the informant received information that his son Ganesh Kumar was killed in the field of Govind Mandal. The informant and his family members as well as villagers arrived there. It is further alleged that there was dispute with Om Prakash Gupta and others, for which, Lakhisarai (Kabaiya) P.S. Case No. 280 of 2012 was lodged against Om Prakash Gupta and others. The judgment and decree was passed in favour of deceased with respect to the land in question. The informant claimed that accused persons including petitioner have killed his son namely, Ganesh Kumar.

3. Heard learned counsel for the petitioner, learned counsel for the informant and State.

4. During course of argument, counsel for the informant has submitted that charge has already been framed against the petitioner by order dated 28.10.2016 passed by the court below. He has filed certified copy of the aforesaid order during hearing of the petition.

5. Therefore, this Court is not inclined to interfere with the cognizance order after framing of charge in the case.



6. This Criminal Miscellaneous application is accordingly dismissed.

S.Ali/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
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