

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21551 of 2018

Arising Out of PS.Case No. -257 Year- 2015 Thana -TAJPUR District- SAMASTIPUR

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1. Amit Jha @ Amit Kumar Jha.
 2. Sumit Jha @ Sumit Kumar Jha, both sons of Rishikesh Jha
Both residents of Village - Mujauna, P.S. - Tajpur (Waini O.P.), District - Samastipur.
 3. Deepak Jha, Son of Naresh Jha, Resident of Village - Mujauna, P.S. - Tajpur (Waini O.P.), District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy, Adv.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 04-10-2018 Heard learned counsel for the petitioners. No one appears for the State.

Petitioners in the present case are seeking quashing of the order dated 13.11.2017 passed by the learned 3rd Additional Sessions Judge, Samastipur in Sessions Trial No. 213 of 2017 by which the learned 3rd Additional Sessions Judge has been pleased to reject the application under Section 227 of the Cr.P.C.

Perusal of the First Information Report and the impugned order passed by the learned 3rd Additional Sessions Judge, Samastipur would show that these petitioners are named in the F.I.R. and certain roles have been attributed to them in the



alleged assault. Learned counsel for the petitioners, however, has tried to take this Court through the various contentions showing these petitioners were not present on the said date at the place of occurrence as they are serving outside the State.

In the opinion of this Court, the pleas which are being advanced on behalf of the petitioners cannot be gone into at this stage and the Court would not embark upon conducting enquiry into the evidences in this regard. The order passed by the learned 3rd Additional Sessions Judge, Samastipur is based on the materials available on the record and, therefore, no interference is called for at this stage.

Let the trial of the case be expedited.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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