

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59309 of 2017

Arising Out of PS.Case No. -719 Year- 2015 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Parwej Alam,
 2. Md. Tabrez Alam @ SK. Tabrez.
 3. Jawed Alam @ Md. Jawed Alam,

All are Sons of Late SK. Reyaz Resident of Mohalla- Mansha Tola, Police
Station- Bettiah Muffasil District- West Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No. 7, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-08-2018

This application under Section 482 of the Code of Criminal Procedure (for short 'CrPC') has been filed by the petitioners for quashing the order dated 08.11.2017 passed in Session Trial No. 483 of 2017 arising out of Bettiah Town P. S. Case No. 719 of 2015 by the 5th Additional Session Judge, West Champaran at Bettiah whereby and whereunder the application dated 17.10.2017 filed by the petitioners under Section 227 of the CrPC has been rejected.

2. It is contended by the learned counsel for the petitioners



that the court below has passed the order impugned mechanically without appreciating the facts and law involved in the case. The first information report was instituted only for the offences punishable under Sections 341, 323, 307, 120B read with 34 of the Indian Penal Code (for short 'IPC'), but subsequently, at the request of the police, Sections 341, 326, 420, 468 read with 34 of the IPC were also added in the first information report vide order dated 26.11.2016. Since a fair and impartial investigation was not done, upon completion of the investigation, the police submitted charge-sheet under Sections 341, 326, 307, 420, 468 and 120B of the IPC and without looking into the materials collected in course of investigation, the learned jurisdictional Magistrate mechanically took cognizance of the offences under Sections 341, 326, 307, 420, 468 and 120B of the IPC and summoned the petitioners to face trial. It is contended that on the basis of evidences collected in course of investigation, charges could not have been framed against the petitioners.

3. I have heard learned counsel for the petitioners and perused the record.

4. From perusal of the record, it would be manifest that the case was duly investigated upon by the police and on completion of investigation, the allegations made against the petitioners were found true. Learned court below has discussed the evidences collected in



course of investigation in its order dated 08.11.2017. It has given cogent findings regarding materials available on record for proceeding against the petitioners under Sections 341, 326, 307, 420, 468 and 120B of the IPC. Merely because the contention of the petitioners is that the investigation of the case was not fair and impartial, it cannot be said that the court below erred in rejecting the application of the petitioners seeking discharge from the case.

5. Accordingly, the application, being devoid of any merit, is rejected.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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