

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34872 of 2017

Arising Out of PS.Case No. -1 Year- 2013 Thana -CHANAN District- LAKHISARAI

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1. Vikash Mandal, Son of Late Ramgee Mandal,
2. Subodh Mandal, Son of Late Ramgee Mandal.
3. Tuntun Mandal, Son of Dasrath Mandal, All are R/o Village- Rewta,
P.S.- Chanan, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate.

For the Opposite Party/s : Smt. Reena Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-07-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing of the order dated 22.04.2016 passed by the learned Additional Chief Judicial Magistrate-1, Lakhisarai whereby and whereunder differing with the police report he has taken cognizance of the offences punishable under Sections 302 & 120-B of the Indian Penal Code (for short 'IPC') and summoned the petitioners to face trial.

The petitioners and three others were made named accused in Chanan P.S. Case No. 01 of 2013 dated 12.01.2013 registered under Sections 147, 323, 325, 307 & 379 of the IPC.



The said case was initially registered under Section 307 of the IPC but when the informant of the case succumbed to his injuries, subsequently Section 302 of the IPC was also added. On completion of investigation, the police submitted charge-sheet against the named accused Dhobi Yadav and Isha Mandal and other co-accused including the petitioners were not sent up for trial. However, on perusal of the police report, the learned ACJM found sufficient material to proceed against the petitioners also and, thus, while taking cognizance of the offences punishable under Sections 302 & 120-B of the IPC, he has summoned the accused persons, who were not sent up for trial.

From perusal of the order impugned, it would transpire that the injured informant had alleged active participation of the petitioners in the commission of the offence. The other witnesses also corroborated the allegations made by the informant. However, the police submitted final report against the petitioners showing them innocent.

Since the learned Magistrate has given cogent reasons for differing with the police report, I see no illegality in the order impugned. The application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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