

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28790 of 2016

Arising Out of PS.Case No. -119 Year- 2014 Thana -DANDKHORA District- KATIHAR

=====

1. Kamleshwari Mahto Son of Late Jamun Mahto
2. Ram Ujagar Mahto Son of Late Jamun Mahto
3. Mahabir Mahto Son of Kamleshwari Mahto
4. Anil Mahto @ Anil Kumar Mahto, Son of Kamleshwari Mahto
5. Ranjeet Mahto Son of Kamleshwari Mahto
6. Fulo Devi Wife of Kamleshwari Mahto
7. Sima Devi Wife of Mahabit Mahto
8. Ful Kumari Devi @ Ful Kumari Wife of Anil Mahto
9. Raj Kumari Devi @ Ram Pukari Devi Wife of Ram Ujagar Mahto
10. Most. Kalawati Devi @ Most. Kalawati Wife of Late Madanlal Bind
11. Munni Devi Wife of Bijay Bind
12. Nitu Kumari Wife of Ranjit Mahto All residents of Village - Kandherpaili, P.S. - Dandkhora, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ashok Mahto Son of Biltan Mahto Resident of Village - Kandherpaili, P.S. - Dandkhora, District - Katihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Bal Krishna Mishra
For the State : Mr. (Dr.) Rabindra Kumar(App)

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 21-08-2018 Heard the learned counsel for the petitioners, the informant and the learned counsel for the State.

The present petition has been filed for quashing the order dated 11.05.2016 passed by learned Sessions Judge, Katihar in Sessions Trial No. 97/2016, arising out of Dandkhora P.S. Case No. 119/2014, whereby the petition of discharge filed under Section 227 of the Cr.P.C. has been rejected.

Learned counsel for the petitioners has submitted that



the mother of informant died at her old age. Cause of death has been mentioned in the post-mortem report. Other injured persons have sustained simple injury. There is case and counter case between the parties.

Learned counsel for the informant has submitted that in the instant case, there is allegation that all the accused persons, including petitioners arrived armed with various weapons and assaulted the informant and other family members when they raised protest on cultivation of their land. It is mentioned in the written report that they assaulted the informant and his other family members causing injury. Subsequently, the mother of informant died.

Case diary has been received in this case.

The informant and other independent witnesses in para 10, 11, 12, 13 and 14 respectively of case diary have supported the case of prosecution. Police has also recorded the statement of other injured in para 5 and 6. They have supported the case of informant of arriving of these petitioners at the place of occurrence and committing *marpit*.

Learned Sessions Judge has mentioned in the impugned order that he has found *prima facie* material in case diary as well as in the written report against the petitioners for the offences under Sections 147, 148, 149, 323, 324, 504, 506, 307 and 302 of the Indian Penal Code.



It is very difficult to ascertain at this stage whether the deceased died due to injury caused by accused persons or she died natural death.

Therefore, this Court does not find any illegality in the impugned order dated 11.05.2016 passed by learned Sessions Judge, Katihar. Accordingly, the Cr. Misc. petition is dismissed.

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

(Sanjay Priya, J.)

Rakhi

U		T	
---	--	---	--

