

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12029 of 2015

Arising Out of PS. Case No.-25 Year-2009 Thana- BIHTA District- Patna

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1. Ramashray Bhagat S/o Late Ramdeni Bhagat
 2. Azad Bhagat S/o Sri Kishun Bihari Bhagat
Both Resident of Village Bilap, P.S. Bihta, District Patna.

... .. Petitioners

Versus

1. The State of Bihar
2. Smt. Deomuni Devi W/o Sri Ashok Bhagat Resident of Village Bilap,
P.S. Bihta, District Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s :

For the Opposite Party/s : Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 2 07-05-2019 The petitioners in the present case are aggrieved by and dissatisfied with the order dated 19.01.2015 passed by the learned Additional Sessions Judge-IV, Danapur in Criminal Revision No. 841/2010 by which he has refused to interfere with the order taking cognizance and issuance of summon passed by learned A.C.J.M., Danapur in connection with Bihta P.S. Case No. 25/2009, G.R. No. 236/2009. It appears on perusal of the impugned order that on perusal of the Lower Court Records the learned court below found that the witnesses namely Vijay Singh @ Bikat Singh, Upendra Verma and Chand Deo Bhagat have not



supported the prosecution case against the present accused petitioners in their statement made before the Investigating Officer but the informant and her son Dhiraj Kumar (both injured) had supported the prosecution case and involvement of the accused petitioners. The Investigating Officer of the case did not record the statement of the alleged eye witnesses namely, Bibha Kumar and Seema Kumari. The learned court below had found that since the prosecution witnesses who are both the girl have supported the prosecution case, a prima facie case is made out.

In the given facts and circumstances, upon perusal of the impugned order, this court finds no illegality or infirmity in the impugned order passed by the Revisional Court. The petitioners having availed the remedy of revision to challenge the order taking cognizance and issuance of summon has moved this court under Section 482 Cr.P.C. being fully aware of the legal provision that there cannot be a second revision. However, the principles to entertain application under section 482 Cr.P.C. in such cases where the petitioner had availed the remedy of revision is also well settled. Unless some perversity is shown in the impugned



order, this court sitting under Section 482 Cr.P.C. would not interfere with the same.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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