

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13367 of 2015

Arising Out of PS. Case No.-58 Year-2013 Thana- BOCHAHAN District- Muzaffarpur

1. Ram Shrestha Sahni
2. Ram Sringar Sahni, Both sons of Mahendra Sahni, resident of village Karanpur Uttari, P.S. Bochaha, district Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Md. Imteyaz Ahmad, Advocate Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 04-07-2019

Heard learned counsel for the parties.

2. The petitioners are FIR named accused along with others in connection with Bochaha P.S. Case No. 58 of 2013 registered under Sections 341, 323, 326, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to FIR, lodged by Ram Deni Rai, on 20.02.2013, son of the informant, namely, Ghan Shyam Patel was near his house talking on a mobile call. At the same time, petitioner no. 1 Ram Shrestha Sahani and his brother petitioner no. 2 Ram Singar Sahni came on a motorcycle. Petitioner no. 2 Ram Singar Sahni was carrying a pistol. Some other accused were also on a two wheeler behind the petitioners. They wanted to kidnap



Ghan Shyam Patel. However, when Ghan Shyam Patel made alarm, they started assault against him. Petitioner no. 1 Ram Shrestha Sahni caught Ghan Shayam Patel and petitioner no. 2 Ram Singar Sahni fired at him causing injury at the chest of Ghan Shyam Patel. After investigation, the police have not sent up the petitioners.

4. However, by the impugned order dated 12.02.2015, the learned Magistrate disagreed with the police report and took cognizance against the petitioners also. Besides the informant, the injured has also supported the allegation before the police whereas most of the witnesses stated that the petitioners were not involved in the occurrence.

5. At the stage of cognizance, meticulous appreciation of evidence and trustworthiness of the evidence, cannot be examined. Only requirement is that the material should be there disclosing commission of cognizable offence by the accused.

6. Hence, I do not find any reason to interfere with the impugned order. Accordingly, this application stands dismissed as devoid of any merit.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	06.07.2019
Transmission Date	06.07.2019

