

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.41053 of 2019

Arising Out of PS. Case No.-62 Year-2015 Thana- Sono District- Jamui

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1. Bhojal Yadav Son of Late Devi Yadav Resident of Village-Balthar, P.S-Sono, District-Jamui.
 2. Khubi Yadav @ Khublal Yadav, Son of Late Devi Yadav Resident of Village-Balthar, P.S-Sono, District-Jamui.
 3. Nago Yadav Son of Late Devi Yadav Resident of Village-Balthar, P.S-Sono, District-Jamui.
 4. Sobhan Yadav Son of Late Paras Yadav Resident of Village-Balthar, P.S-Sono, District-Jamui.
 5. Bhuna Yadav @ Bhuneshwar Yadav Son of Late Paras Yadav Resident of Village-Balthar, P.S-Sono, District-Jamui.
 6. Sanoj Yadav Son of Shobhan Yadav Resident of Village-Balthar, P.S-Sono, District-Jamui.
 7. Nandu Yadav, Son of Narayan Yadav Resident of Village-Balthar, P.S-Sono, District-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Matru Yadav Son of Late Phuleshwar Yadav, Resident of Village-Balthar, P.S-Sono, District-Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 18-07-2019 Heard the learned counsel for the petitioners and

the State.



The petitioners seek quashing of the order dated 01.03.2017 passed by the learned A.C.J.M.-1st, Jamui in connection with Sono P. S. Case No. 62 of 2015, whereby cognizance has been taken against the petitioners under Sections 147, 148, 149 and 302 of the Indian Penal Code, as also against the order dated 28.02.2019 passed in Cr. Revision No. 26 of 2017 passed by the learned A.D.J.-III, Jamui, whereby the challenge to the aforesaid order of cognizance has failed.

From the records, it appears that the petitioners were named in the F.I.R. but after investigation, charge-sheet was submitted against other accused persons and with respect to the petitioners the investigation was kept pending. Later, a supplementary report under Section 173 Cr.P.C. was filed, not sending up the petitioners.

The learned Magistrate after summoning the informant and perusing the police papers found the complicity of the petitioners also and by the order impugned dated 01.03.2017 took cognizance against the petitioners for offences under Section 302 and other Sections of the



Indian Penal Code about which reference has been made earlier. The revision application filed by the petitioners was not attended upon but was dismissed on merits on 28.02.2019.

From the perusal of the orders impugned, it appears that in several paragraphs of the case-diary, witnesses have spoken about the participation of the petitioners also. The court below has perused the entire records and has passed the order.

This Court is not inclined to interfere with the order of cognizance as also the order passed in revision.

At this stage, learned counsel for the petitioners seeks permission to withdraw this petition in order to enable the petitioners to raise all the grounds urged before this Court before the court below at the appropriate stage of discharge.

Should such an application be filed, if already not filed, within a period of four weeks, the same shall be disposed off within a further period of two weeks, without being prejudiced by the fact that the present petition has not



been entertained by this Court.

Any observation made in this order is only tentative and shall not weigh with the court below in dealing with the discharge petition preferred by the petitioner, if so advised.

Dismissed as withdrawn with liberty aforesaid.

(Ashutosh Kumar, J)

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