

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7807 of 2015

Arising Out of PS. Case No.-2119 Year-2013 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Hafiz Mobarak Hussain @ Mobarak Hussain son of Late Sk. Kamil.
 2. Abdul Gafa son of Nabi Hassan
 3. Rani Khatoon wife of Mobarak Hussain @ Hafiz Mobarak Hussain
 4. Zafir Alam @ Md. Zafir son of Abdul Gafar
 5. Irshad Alam @ Md. Irshad son of Abdul Gafar
 6. Sk. Mannan son of Sk. Ibharim
 7. Gulne Ara Khatoon wife of Abdul Gafar.

All are Residents of Village – Bairiya, Sk. Toli, Police Station
Bairiya, District – West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Reyaz Alam son of Sk. Anis, Resident of Village – Biariya, Sk. Toli,
Police Station Bairiya, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate
For the Opposite Party/s : Mr. Surendra Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 14-05-2019 Heard the parties.

A prayer has been made by the petitioners that for the same incident, the complainant has lodged two cases, one is Complaint Case No. 2119C of 2013, which is pending before the Judicial Magistrate, 1st Class, Bettiah, West Champaran in which the court below has taken cognizance under Sections 147, 323, 504, 379/34 of the Indian Penal Code and another case is Bairiya P.S. Case No. 204 of 2013 registered for the offence punishable under Sections 341, 323, 504, 379/34 of the Indian



Penal Code in which police has also submitted charge-sheet.

Counsel for the petitioners submits that both the cases are arising out of the same incident as the parties are same, place of occurrence is same and the time of incident is also same. There may be some deviation on facts with each other, but in nutshell one incident has generated two cases and submits that in terms of Section 210 of the Code of Criminal Procedure, both the cases should be tried together to avoid the conflict of the judgment in the court below.

In such view of the matter, the court below is directed to try both the cases together, if both the cases are arising out from the same incident in terms of Section 210 of the Code of Criminal Procedure.

With this observations and directions, this application stands disposed of.

(Shivaji Pandey, J)

V.K.Pandey/
S. Katyayan/-

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