

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4715 of 2015

Arising Out of PS. Case No.-19 Year-2014 Thana- BELA District- Sitamarhi

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1. Ram Viveki Kumari Wife of Rakesh Kumar Singh
 2. Rakesh Kumar Singh Son of Late Ravindra Kumar Singh
 3. Md. Soaib Son of Mahmood
 4. Md. Alam Son of Late Md. Salim

All residents of Village - Kanhama, P.S. - Bela, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deep Narayan Mahto Son of Late Janak Mahto Resident of Village -
Kanhama, P.S. - Bela, District - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa with

Mr. Falakyar Askari, Advocates

For the State : Mr. Jharkhandi Upadhyay, APP

For the O.P. No. 2 : Mr. Prasoon Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

6 16-05-2019 Heard Mr. Falakyar Askari, learned counsel for the

petitioners; Mr. Jharkhandi Upadhyay, learned APP for the State

and Mr. Prasoon Sinha, learned counsel for the opposite party

no. 2.

2. The petitioners have moved the Court under

Section 482 of the Code of Criminal Procedure, 1973 for the

following relief:



“That this is an application u/s 482 Cr. P.C. for quashing of the order dated 02.08.2014, by which learned Sri Deepak Kumar, J.M. 1st Class, Sitamarhi was pleased to take cognizance against the petitioner for the offences punishable u/s 447, 341, 323, 353, 504, 34 I.P.C. in Tr. No. 3299/2014 arising out of Bela P.S. Case No. 19/2014.”

3. After some arguments, as the stage at which the petitioners have approached this Court is of taking of cognizance by the Court below, where there is no role of the accused, learned counsel for the petitioners submitted that the matter be disposed off with liberty to raise all points available to them, including those raised in the present application as well as whatever other materials they may have to show their innocence, before the Court below itself at the appropriate stage, including framing of charge.

4. Learned APP and learned counsel for the opposite party no. 2 do not oppose.

5. In view thereof, the application stands disposed off with liberty aforesaid.

6. If the petitioners file an application before the Court below at the appropriate stage, including at the time of framing of charge, bringing all materials and points in their favour, before the Court below, including those taken in the present application, the same shall be considered on its own



merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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