

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35304 of 2015

Arising Out of PS. Case No.-202 Year-2012 Thana- BIHARSHARIF District- Nalanda

Manoj Kumar and Ors.

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Asha Kumari App

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

ORAL ORDER

3 21-12-2019 Heard learned counsel for the petitioners as well as
learned counsel for the State.

The petitioners have prayed for quashing the order dated 12.05.2015 passed in Session Trial no. 559 of 2013 by which and whereunder the learned 1st Additional Sessions Judge Nalanda at Biharshrif refused to accept the contention of the petitioners that no case under section 308 of the Indian Penal Code was made out and, accordingly, he refused to return the record to the court of Chief Judicial Magistrate, Nalanda for trial.

The trial court has reported that the charges against the petitioners have already been framed on 19.03.2016 and the trial of the petitioners is pending for recording prosecution evidence.



Without touching the claim of petitioners on merit, taking note of this fact, that the charges have already been framed against the appellants. In my view, this petition is liable to be dismissed and, accordingly, this petition stands dismissed.

However, the petitioners may raise their plea at the appropriate stage before the learned trial court itself.

(Hemant Kumar Srivastava, J)

N.K/-

U		T	
---	--	---	--

