

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87066 of 2019

Arising Out of PS. Case No.-173 Year-2016 Thana- BELA District- Sitamarhi

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1. Vikram Rai, S/O Madan Rai
 2. Pappu Rai, S/O Amichand Rai
 3. Madan Rai, S/O Daresh Rai
 4. Mahendra Rai, S/O Daresh Rai
All Resident of Village - Damhi, P.S.- Bela, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Manju Devi, w/O Nagendra Sah Resident of Village - Damhi, P/S - Bela,
Distt.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Singh (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
Date : 08-01-2020

Heard learned counsel for the parties.

This application has been filed under Section 482 of the Cr.P.C for quashing the order dated 27.09.2019 passed by learned A.D.J.-VII, Sitamarhi, in Sessions Trial No. 158 of 2019 arising out of Bela P.S. Case No. 173 of 2016, by which petition under Section 228 of Cr.P.C filed by petitioner has been dismissed.

Informant had alleged in her fardbeyan that on 07.04.2016 at about 4:00 pm when she was in her home alongwith other family members then her neighbours Madan



Rai, Mahendra Rai, Manish Rai, Vikram Rai (all petitioners), started demolishing the boundary wall of Informant and when she protested then they abused and assaulted her and other family members. Allegation against Vikram Rai and Manish Kumar is of assaulting her by fists and slaps and when other family members tried to rescue her then Amir Chand Rai, assaulted her brother-in-law by Farsa and Pappu Rai assaulted her husband by Lathi and Madan Rai, Mahendra Rai assaulted Uma Shankar Sah and Ravi Shankar Sah by iron rod and Spade. Accused did not spare even her daughter and assaulted her.

On the basis of said fardbeyan FIR was instituted being Bela PS. Case NO. 173 of 2016 instituted under sections 324, 307, 354, 504, 506/34 of IPC and after investigation police found the accusation to be true and submitted chargesheet on 31.01.2017 under section 324, 307, 354, 504, 506/34 of IPC against petitioner and others upon which the Court below took cognizance of the offence and committed the case to the court of Sessions and Session Trial No. 158 of 2009 was generated.

A petition was filed before the Sessions Court under Section 228 of Cr.P.C at the time of framing of charge to remit the case to the court of learned Magistrate as no offence under section 307 of IPC is made out. The Doctor has found injuries to



be simple in nature and has not found that injuries were dangerous to life and other sections are triable by Magistrate.

The Sessions court on perusal of case diary, injury report and materials available on record has found that injuries have been inflicted by sharp cutting weapon as well as hard blunt substance and the injury caused to Shambhu Sah is grievous in nature while other injuries were found to be simple in nature and held that there are sufficient materials to frame charges against the accused under section 307 of IPC and dismissed petition filed under section 228 of Cr.P.C by the petitioners.

After hearing the parties and perusing the order passed by the court below, this court does not find any error or illegality in the order dated 27.09.2019 passed by learned A.D.J.-VII, Sitamarhi, in Sessions Trial No. 158 of 2019 arising out of Bela P.S. Case No. 173 of 2016.

The criminal miscellaneous petition is dismissed.

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

