

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26841 of 2021

Arising Out of PS. Case No.-87 Year-2019 Thana- NASRIGANJ District- Rohtas

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1. AKHLAK AHMAD, Son of Late Shah Muhammad @ Illahi Khalifa Residents of Nasriganj, Postal Road, Ward No.2, P.S.- Nasriganj, District- Patna.
 2. Md. Imteyaz @ Imteyaz Ahmmad @ Nanhe, Son of Late Shah Muhammad @ Illahi Khalifa Residents of Nasriganj, Postal Road, Ward No.2, P.S.- Nasriganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meraj Ahmmad, Son of Late Md. Shamim Akhtar Resident of Village- Nasriganj, Postal Road, Ward No.2, P.O.- Nasriganj, P.S.- Nasriganj, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Mishra
For the State	:	Uma Shankar Pd. Singh, APP
For O.P. No.2	:	Rajnikant Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL ORDER

2 19-05-2022 Heard learned counsel for the petitioner.

In the instant petition, petitioner has sought for following
reliefs :-

“That this is an application for quashing the order dated 18.02.2021, passed by learned Additional Sessions Judge-Xvth, Sasaram, Rohtas in Sessions Trial No. 425 of 2019 in connection with Nasriganj P.S. Case No. 87 of 2019 whereby and whereunder learned Additional Sessions Judge-Xvth, Sasaram, Rohtas was pleased to reject the petition dated



11.09.2019, filed on behalf of the petitioners under Sections 227 and 228 of Cr.P.C.

Perusal of the order dated 18.02.2021, it appears that the learned Sessions Court has considered the material information placed on record. The following factual aspect has taken into consideration :-

Having gone through the entire record from which it appear that, the FIR has been registered u/ss 147, 149, 323, 337, 307, 302 & 504 of the I.P.C. against the accused persons and after investigation police submitted charge sheet against two of the accused persons namely Akhlak Ahmad & Imteyaz Ahmad under same sections nd A.C.J.M.-II, Civil Court Bikramganj has taken cognizance accordingly, considering the material available in the case diary found prima facie case against the petitioners and learned Court below found the case exclusively triable by the Court of Sessions an committed the same to the Court of Sessions.

From perusal of record, I appears that there is sufficient material in the CD and witnesses have supported the fact in page nos. 5, 6, 7 & 8 of the CD that Imteyaz who is petitioner has dragged the deceased from his house and on his instigation, Akhlak Killed him by iron rod. Sections 147 and 149 are also applicable in the case. Post-mortem report and opinion of the doctor contained therein are also important and supportive fact for the case of the prosecution. Accordingly, there is sufficient material for framing of charge u/ss 147, 149, 323, 337, 307, 302 & 504 of the I.P.C. against the petitioners.

In the light of reasoned order of the Trial Court, the petitioner has not made out a case to interfere with the order dated



18.02.2021.

Accordingly, petition stands rejected.

(P. B. Bajanthri, J)

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