

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54749 of 2021

Arising Out of PS. Case No.-233 Year-2018 Thana- UCHKAGAON District- Gopalganj

1. Deepak Kumar @ Deepak Singh S/O Jitendra Singh @ Jitendra Kumar Singh R/O village- Sathi, P.S.- Uchkagaon, District- Gopalganj
2. Vishal Kumar @ Vishal Singh S/o Jitendra Singh @ Jitendra Kumar Singh R/o village- Sathi, P.S.- Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-04-2022 Heard learned counsel for the parties.

The petitioners seek quashing of the order dated 17.05.2019 passed by the Additional Sessions Judge- IIIrd, Gopalganj in Cr. Rev. No. 207 of 2019 by which it has quashed the order dated 22.01.2019 passed by the learned A.C.J.M.-IX, Gopalganj in connection with Uchkagoan P.S. Case No. 233 of 2018 (Trial No. 2571 of 2019) under Sections 341, 323, 324, 504 and 506/34 of the Indian Penal Code.

As per the prosecution case, on 29.08.2018, the accused persons were forcibly filling soil in the land of the informant and it is alleged that upon protest, he was assaulted by one Rajnish at the instigation of Premdhari Singh. He fell down



and become unconscious. The further allegation is that other accused persons assaulted the son of the informant. They finally saved themselves by hiding in their house.

The police investigated the matter and submitted a final form on 30.12.2018 where the petitioners herein were not sent up for trial while charge sheet was filed against six other accused persons.

The learned A.C.J.M.-IX, Gopalganj thereafter accepted the final form submitted by the police on 22.01.2019 while taking cognizance against six accused persons discharged the accused persons.

The informant thereafter moved before the learned Sessions Judge, Gopalganj in Criminal Revision No. 207/2019 challenging the final form that was accepted by the learned Court below. The learned Sessions Judge vide an order dated 17.05.2019 remanded the matter back to the Court of learned ACJM for re-hearing the matter after giving notice to the informant. This prompted the petitioners herein to move before this Court under Section 482 of the Code of Criminal Procedure.

This Court has perused the order dated 17.05.2019 and find that the learned Sessions Judge has held that it was wrong on the part of the learned Court below to accept the final



form submitted by the police against the petitioners herein without issuing any notice to the informant. As such the order dated 17.05.2019 passed by the learned Sessions Judge allowing the criminal revision preferred by the informant by directing the learned Court below to pass an order afresh after hearing the informant is fully justified. The order is just and proper and need not interference.

As such, this application preferred under Section 482 of the Code of Criminal Procedure has no merit and is accordingly dismissed.

(Rajiv Roy, J)

Jagdish/-

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

