

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7261 of 2023

Arising Out of PS. Case No.-47 Year-2021 Thana- BHEJA District- Madhubani

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1. Bhuwaneshwar Yadav @ Bhumi Yadav Son of Late Sukhdeo Yadav.
 2. Shashi Raushan Yadav @ Shashi Roushan Yadav Son Of Suresh Yadav.
 3. Yogendra Yadav @ Yogindra Yadav Son Of Chhedi Yadav
 4. Naresh Yadav @ Naresh Kumar Yadav Son Of Kapildeo Yadav
 5. Biren Yadav @ Biren @ Birendra Yadav Son Of Satan Yadav.

All are resident of village- Koriyadhath, P.S.- Bheja, Distt.-
Madhubani

... .. Petitioners

Versus

1. The State of Bihar
2. Birendra Yadav Son Of Rameshwar Yadav R/O Vill.- Koriyadhath, P.S.-
Bheja, Distt.- Madhubani

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 27-02-2023 Heard learned counsel for the petitioners and
learned APP for the State.

This application has been filed for quashing of
order dated 26.08.2022 passed by learned A.C.J.M.-II,
Jhanjharpur, District- Madhubani, in connection with Bheja P.S.
Case No. 47 of 2021, by which the learned Magistrate has taken
cognizance against the petitioners for the offence under Sections
147, 148, 149, 341, 323, 324, 307, 302, 504, 506 and 120-B of
the Indian Penal Code and under Section 27 of the Arms Act.

As per the F.I.R. on 31.05.2021 at about 3:00 P.M.
the accused persons along with 10-15 other unknown persons
came near the land of the informant holding different weapons



and started construction work on the said land. When the family members of the informant objected the same, all the accused persons started abusing and assaulting the family members of the informant. It is also alleged that in the said assault the brother of the informant namely, Lalan Yadav received gunshot injury. Thereafter, the injured persons were admitted to the Primary Health Centre, from where the brother and uncle of the informant referred to D.M.C.H. for better treatment but during the course of treatment the brother of the informant died.

Considered the submissions of the parties.

I have gone through the records of this case. It appears that *prima facie* case is made out against the petitioners. No ground is made out for quashing of the order dated 26.08.2022 taking cognizance against the petitioners.

Accordingly, this quashing petition stands dismissed. However, the petitioners are at liberty to raise all the grounds, as available under the law, at an appropriate stage.

(Sandeep Kumar, J)

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