

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34742 of 2015**

Arising Out of PS. Case No.-73 Year-2014 Thana- SAHIYARA District- Sitamarhi

1. Amarjeet Sahni Son of Feku Sahni
2. Feku Sahni Son of Amrit Sahni

Both residents of Village - Hanuman Nagar, P.S. Sahiyara, District -
Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary-1APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioners have moved this Court for quashing of
the order dated 15.06.2015 passed by learned A.D.J., IIIrd,
Sitamarhi in Sahiyara P.S. Case No.73 of 2014 under Sections
341, 323, 324, 307/34 and 504 of the IPC.

As per the prosecution story, the informant alleged
that they were constructing house on their land and upon
objection was assaulted. Specific allegation against these
petitioners is of giving 'Dabia' blow on the head of informant's



son as also assaulting the informant with iron rod on his head causing injuries. As the villagers assembled, they retreated. Accordingly, the FIR.

Learned counsel for the petitioners submit that admittedly the land belonged to them, the informant was a trespasser. As the thatched house was not in good condition. It was being constructed in which the informant started making interruptions and accordingly lodged a false case.

Learned APP on the other hand has submitted that police investigated the matter, found the case to be true, charge sheet submitted, the matter went to the court of learned Additional Sessions Judge, IIIrd, Sitamarhi, cognizance taken, charges framed, the matter was for evidence on 13.07.2015, eight years ago. He as such submits that considering the aforesaid developments it is not a fit case to be interfered with.

This Court finds force in the submissions put forward by the learned APP. Admittedly there is allegation of assault on the informant as also his son and other members with specific allegation on assault on the head as also giving 'Dabia' blow. The police have investigated the matter found the case to be true charges have already been framed. It would be appropriate that the petitioners face the trial, if it is still on.



The petition is misconceived, accordingly, dismissed.

(Rajiv Roy, J)

Prakash Narayan /-

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