

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38856 of 2015

Arising Out of PS. Case No.-230 Year-2014 Thana- ALOULI District- Khagaria

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1. Pashok Yadav @ Pashupati Yadav and Anr. son of Anandi Yadav
 2. Ghultan Yadav, son of late Nago Yadav, both R/o, Village- Sumbha Ghazighat P.S. Alouli, District Khagaria

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Gulo Yadav, son of, Musharu Yadav, R/o, Village- Sumbha Ghazighat P.S. Alouli, District Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.B.N.Panday, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-02-2023 No one appears on behalf of the petitioners on call.

The present petition has been preferred for quashing of the order dated 26.6.2015 passed in connection with Sessions Case No. 89 of 2015 arising out of Alouli P.S. Case No. 230 of 2014 by learned Adhoc Additional Sessions Judge-IIIrd, Khagaria under section 307 of the Indian Penal Code.

As per the prosecution case, the accused persons including the petitioners herein, badly assaulted the informant which led to lodging of Alouli P.S. Case No. 230 of 2014.

The police investigated the matter and submitted charge-sheet under section 307 of the Indian Penal Code whereafter cognizance was taken.



The petitioner, thereafter, preferred discharge petition which numbered Sessions Case No. 89 of 2015 and came to be dismissed on 26.6.2015 by a reasoned order in which the learned Adhoc Additional Sessions Judge-III, Khagaria observed that there is sufficient material available in the case diary to put the accused persons on trial.

It also appears that one of the injured Maheshwar Yadav died in course of treatment at Patna and as such section 302 of the IPC was also added.

Prima facie, it appears that the learned Court has rightly taken cognizance in the matter.

However, as no one has appeared, the petition is dismissed for non-prosecution.

(Rajiv Roy, J)

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