

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22870 of 2022

Arising Out of PS. Case No.-172 Year-2017 Thana- CHAKIA District- East Champaran

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UMA DEVI Wife of Bharat Bhagat Resident of Village - Ghanghati, Police Station - Chakia, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sanjana Kumari Daughter of Lakshman Bhagat Resident of Village - Ghanghati, Police Station - Chakia, District - East Champaran.
3. Bachiya Devi wife of Lakshman Bhagat Resident of Village - Ghanghati, Police Station - Chakia, District - East Champaran.
4. Suma Devi Wife of Mansi Bhagat Resident of Village - Ghanghati, Police Station - Chakia, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari

For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 17-05-2023 This application has been filed for quashing the order dated 18.01.2022 passed in Session Trial No. 164/2018 (arising out of Chakia P.S. Case No. 172/2017), by the 1st Additional District and Sessions Judge, East Champaran, Motihari whereby and whereunder the application dated 06.12.2021 filed by the petitioner(the informant) in terms of Section 319 of the Cr.P.C. has been rejected.

As per the prosecution story, the informant reported to police that on 26.07.2017 at about 10:00 O' clock, construction of wall of her old house was undertaken and in the



meanwhile named accused persons including these opposite parties have gathered there with arms, knife, chopper, iron rod etc with the intention to kill. The informant further alleged that five more unknown persons were also accompanying them. Accused Lakshman Bhagat and Mansi Bhagat have several knife blow over the head, ear pit and arms and leg of Bharat Bhagat and Vinay Kumar. The informant further alleged that opposite parties herein namely Bacchiya Devi, Sanjana Kumari and Suma Devi (Wife of Munshi Bhagat) thrashed Vinod Bhagat on ground, thereupon attacked on his chest and strangled the neck.

By the impugned order, the application filed by the petitioner under Section 319 Cr.P.C. has been rejected by the Court below.

Learned Trial Court has considered the fact that the police had submitted the final form and exonerated the persons who are sought to be summoned by the prosecution. He also has discussed the evidence and has held that the application is malafide and the three persons females who are sought to be summoned, there is no evidence against them.

In view of the above, I am not inclined to interfere in the impugned order of the Court below.



Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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