

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14591 of 2017

Arising Out of PS. Case No.-62 Year-2015 Thana- BEGUSARAI GRP CASE District-
Begusarai

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1. Manish Kumar @ Manish Singh and Anr Son of Late Ram Shobha Singh @ Gorish Singh @ Girish Singh
 2. Siya Ram Singh Son of Late Shekha Singh Both residents of Village - Madhurapur, Purwari Tola, P.S. - Teghra, District - Begusarai.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Suresh Singh Son of Sukhram Singh Resident of Village - Kadirchak, Baro, P.S. - Phulwariya, District - Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-09-2023 Heard Mr. Sandip Kumar Gautam, learned Counsel

for the petitioners and Mr. Jitendra Kumar Singh, learned APP

for the State.

2. The present petition has been preferred for quashing of the order dated 02.12.2016 passed by the learned A.C.J.M., Railway, Barauni in connection with Rail Barauni P.S. Case No. 62 of 2015 for the offences under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution story, the informant alleged that he got information about killing of his brother near Jagjivan Railway Market, Barauni. He was further informed that Manish



Singh, Siya Ram Singh (the petitioners herein) as also Baua Singh and Khiran Singh are the persons behind the said killing due to previous enmity. The reason is that one Ram Shobha Singh @ Girish Singh was murdered in the year 1998 in which deceased Ashok Singh was sent to jail in the year 2008, released in 2013 and due to the land dispute, the killing. Accordingly, the FIR was lodged.

4. The matter was investigated and though the police submitted charge sheet no. 79/2016 against two persons Baua Lal Singh and Khiran Singh, having found no evidence against these two petitioners, final form was submitted.

5. However, differing from the final form on the basis of materials available in the case diary, the learned Magistrate took cognizance for the offence under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act against these two petitioners.

6. Learned Counsel for the petitioners submit that when the police submitted final form and so far as these two petitioners are concerned, the learned Court erred in taking cognizance against them.

7. Learned APP for the State, on the other hand, submits that having gone through the materials available in the



case diary and prima facie satisfied, the learned Magistrate has taken cognizance in the matter which cannot be faulted upon.

8. This Court finds merit in the submissions put forward by the learned APP.

9. The petitioners have all the opportunity to raise all the issues before the concerned Court but once the cognizance has been taken in the year 2016 itself, putting a spoke in a wheel seven years later is unwanted.

10. The petition lacks merit and is accordingly dismissed.

(Rajiv Roy, J)

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