

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45636 of 2015

Arising Out of PS. Case No.-67 Year-2014 Thana- SIMRI District- Buxar

1. Siva Nand Pathak @ Chetani Pathak
2. Daya Nand Pathak Both sons of Late Hari Narayan Pathak, resident of village - Niyazipur, P.S. - Simari, District - Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey, Advocate

For the Opposite Party/s : Mr.Ram Naresh Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-03-2023 Heard learned counsel for the petitioners and the State.

The present petition has been preferred for quashing of the order dated 06.07.2015 passed by the learned A.D.J.-IV, Buxar by which learned Court below rejected the discharge petition under Section 227 of Cr.P.C. stating therein that no case is made out under Section 307, 324 and 384 of the Indian Penal Code in Sessions Tr. No. 31 of 2015 arising out of Simri P.S. Case No. 67 of 2014 registered under Sections 147, 148, 149, 341, 324, 307, 384, 447 and 504 of the Indian Penal Code and Section 27 of the Arms Act and Session Tr. No. 31 of 2015.

As per the prosecution story, the allegation is that while the informant was cutting the crops, the accused persons armed variously came and opened fire hitting the informant and his son. On 'hulla' when the villagers came, allegation is that



the accused persons escaped.

The police investigated the matter and subsequently submitted charge sheet under Sections 307, 324 and 384 of the Indian Penal Code as also Section 27 of the Arms act thereafter, the concerned Court took cognizance in the matter on 15.01.2015.

The petitioners later preferred petition under Section 227 of the Cr.P.C. which came to be rejected by the learned Additional Sessions Judge IV, Buxar on 06.07.2015 vide a reasoned order stating therein that there is sufficient materials to frame charge against the accused persons under Section 307 IPC amongst other and Section 27 of the Arms Act.

Having heard both sides, this Court taking into consideration the allegation in the FIR and the cognizance order dated 06.07.2015, does not find any merit warranting interference.

Accordingly, the petition stands dismissed.

(Rajiv Roy, J)

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