

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13106 of 2018

Arising Out of PS. Case No.-904 Year-2014 Thana- SASARAM NAGAR District- Rohtas

1. Shiv Muni Yadav and Ors S/o Sri Rajendra Yadav,
2. Mahendra Yadav,
3. Rajendra Yadav, Both son of Aghouri Yadav,
4. Shiv Raj Kumar, S/o Rajendra Yadav, All resident of Village- Patluka, P.S.- Tilouthu, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Sri Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-01-2023

Heard learned counsel for the State.

This case was taken up at 10.30 A.M., when no one appeared. Once again, at 12.00 P.M. on call, no one has appeared for the petitioners.

The petitioner moved before this Court for quashing of the order dated 19.12.2017 passed by the learned Addl. District Judge IVth, Rohtas, Sasaram in Session Trial No. 411 of 2016. Whereby the learned ADJ 4th Rohtas has rejected the application filed under Section 227 and 228 of Cr.P.C. by the petitioner with regard to discharge against Section 307 and 379 of IPC.

As per the case, the allegation is that while Mahendra Yadav and Rajendra Yadav were ploughing the disputed land, when the father of the informant asked him not to plough the land, all the FIR named accused started assaulting. In the process,



allegation is that this petitioner assaulted by rod on the head of the informant's father. Accordingly, the FIR was lodged, charge-sheet submitted after the Police found the case true.

The petitioner thereafter preferred discharge petition but the learned Court vide order 19.12.2017 after going through the case diary and having found the injury report in paras 17 to 21 found that prima facie the case is true, the police has submitted charge-sheet under Section 307 of the Indian Penal Code which does not need interference and accordingly, the prayer was rejected.

This Court has gone through the facts of the case as also the order under question. Admittedly, pursuant to the allegation made in the FIR, the police submitted charge-sheet and as stated above in the case diary, injury report have also been incorporated and in that background, the learned court was fully justified in passing the order concerned.

The application preferred by the petitioner herein is without any merit and is accordingly dismissed.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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