

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51476 of 2015

Arising Out of PS. Case No.-67 Year-2011 Thana- SABAUR District- Bhagalpur

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1. Babulal Mandal and Ors.
 2. Bhdho Mandal @ Budhdeo Mandal
 3. Ram Mandal @ Ramu Mandal All son of Dukhi Mandal
 4. Kedar Mandal Son of Madan Mandal All resident of village - Simra, P.S. Sabour, District - Bhagalpur

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Sumitra Devi Wife of Late Dulashar Mandal Resident of village - Salpur, P.S. Goradih, District - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Pramod Kr.Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-03-2023 No one appears on call.

The present petition has been preferred for quashing of the order dated 23.07.2015 passed by learned 1st Additional Sessions Judge, Bhagalpur passed in S.T. no. 846/13 arising out of Sabour (Goradih) P.S. Case No. 67/11 under Sections 302/34 of the I.P.C. whereby the discharge petition was dismissed filed by the petitioners.

The allegation is that there was quarrel between the children of the other side which resulted into a fight and in the process, the allegation against the accused persons is/are of



assaulting the husband of the informant with 'lathi' who later succumbed to his injuries.

In this case, cognizance was taken whereafter a petition was filed for discharging the accused persons.

The same was dismissed by the Court of learned Additional Sessions Judge, Bhagalpur, on 23.07.2015 narrating as under:

"I have perused the case diary. In para no. 2 of the case diary there is inquest report. Para 6 of the case diary deals with re-statement of the informant and she has fully supported the versions of the F.I.R. In para 8, there is statement of Munia Devi. In para no. 9, there is statement of Usha Devi. In para 10, there is statement of Gulab Mandal. In para no. 11, there is statement of Shaligram Tanti and in para 12, there is statement of Anil Das. I also perused the post-mortem report and I found



*sufficient materials against the
accused persons for framing of
charge u/s 304/34 I.P.C. Hence,
the petition of the defence side to
discharge them is hereby rejected.*

In that view of the matter, no case for interference is
required.

However, as no one has appeared, the case is
dismissed for non prosecution with liberty to the petitioner to
raise all the points at an appropriate stage before the Trial Court.

(Rajiv Roy, J)

Ravi/-Kiran

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