

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40858 of 2017

Arising Out of PS. Case No.-415 Year-2015 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. Rajendra Yadav @ Ram Tahal Yadav and Anr Son of Nitya Nand Yadav,
 2. Pinkesh Yadav Son of Nitya Nand Yadav,
 3. Pinkesh Yadav Son of Ram Ratan Yadav, Both are R/o Village- Aahok Ghat,
P.S.- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Chando Yadav Son of Late Raja Ram Yadav, R/o Village- Aahok Ghat, P.S.-
Sahebpur Kamal, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate
For the Opposite Party/s : Mr.Sri Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2023 Heard learned counsel for the petitioners and the

State.

The present petition has been filed for quashing of the
order dated 5.6.2016 passed by the learned A.C.J.M.-V,
Begusarai, in Sahebpur Kamal P.S. Case No. 415 of 2015 under
sections 302, 120B & 201/34 of the Indian Penal Code.

As per the prosecution story, the informant alleged
that the accused persons (not the petitioners herein) came and
opened fire, injuring his father who later succumbed to the
injuries at Begusarai hospital.

Accordingly, the FIR No. 415 of 2015 was registered



on 7.12.2012 against the named accused persons.

Subsequently, the police investigated the matter and came to the conclusion that these petitioners actually opened fire and accordingly, they were brought under the category of accuseds. Accordingly, vide an order dated 5.6.2017, cognizance was taken against these petitioners amongst other.

Simultaneously, the final form against the named accused persons were accepted by the concerned Court.

Aggrieved, the present petition.

Learned counsel for the petitioners submit that neither the informant nor the injured named them accused persons who opened fire rather seven persons were named as accuseds in the said case.

However, the police in malicious manner during investigation charged them and submitted charge-sheet against them while all the named accused persons were exonerated of the charges.

Having gone through the order-sheet and perusing the case diary, it is clear that the learned Court on the basis of materials on record came to the definite conclusion that prima facie offence are available to be proceeded against the accused persons against whom the charge-sheet has been preferred, the



petitioners being one of them.

In view of the fact that this matter is under section 302 of the Indian Penal Code and an innocent has been killed, after proper investigation, charge-sheet has been submitted against these petitioners and cognizance was taken in 2017, it would be proper that the petitioners face the trial.

This Court does not find any merit in the present petition which is accordingly dismissed.

(Rajiv Roy, J)

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