

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36528 of 2022

Arising Out of PS. Case No.-210 Year-2018 Thana- SIWAN District- Siwan

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1. KAUSHAR ABBAS, SON OF SAYED KASIM ABBAS, R/O VILLAGE-BHIKHAPUR, P.S.- SIWAN, DISTRICT- SIWAN
 2. FIROZ ABBAS, SON OF SAYED KASIM ABBAS, R/O VILLAGE-BHIKHAPUR, P.S.- SIWAN, DISTRICT- SIWAN
 3. CHUNNA ABBAS @ TUNNA ABBAS, SON OF SAYED KASIM ABBAS, R/O VILLAGE- BHIKHAPUR, P.S.- SIWAN, DISTRICT- SIWAN

... .. Petitioner/s

Versus

1. The State of Bihar.
2. SAYED SADIK ABBAS SON OF LATE SAYED GULAM ABBAS R/O VILLAGE- BHIKHAPUR, P.S.- SIWAN, DISTRICT- SIWAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 28-04-2023 Heard the parties.

The present application has been filed for quashing the order dated 18.05.2022 passed by the Additional Sessions Judge, IX, Siwan by which the learned Additional Sessions Judge IX has been pleased to reject the petition filed by the petitioners under Section 228 of the Code of Criminal Procedure and directed the petitioners to appear in person for framing of charge on 30.06.2022.

The prosecution story in short is that the informant filed a written application before the officer-in-charge, Siwan Police Station stating therein that on 15.10.2018 while he was returning to his house at Mewari from Bhikhpur at about 07:15



P.M. riding the motorcycle when he reached at Khudai Bairi Metal Road then all the petitioners along with three unknown persons stopped him, abused him and assaulted him. He fell down from the motorcycle, then Kaushar Abbas assaulted him with knife which caused injury on his left chest. Firoz Abbas assaulted him with knife which caused injury on his right chest after seeing the light of a vehicle coming from western side all the accused persons fled away. The informant informed his brother who came there along with other persons and took him to Referral Hospital, Siwan for treatment.

By a detailed order, the Additional Sessions Judge IX, Siwan has considered the entire facts of the case and has found the *prima facie* case against the petitioner which warrants trial of the petitioner. The defence of the petitioner cannot be considered at this stage.

Considering the law laid down by the Supreme Court in the case of **State of Bihar vs. Ramesh Singh [(1977) 4 SCC 39]**, this application is dismissed.

(Sandeep Kumar, J)

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