

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2835 of 2022

Arising Out of PS. Case No.-123 Year-2017 Thana- MANER District- Patna

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1. Rajendra Rai S/O- Late Vanarshi Rai Resident Of Village - Haldi Chapra, Shat Aanna, P.S. - Maner, Distt. - Patna.
 2. Shankar Rai S/O- Late Vanarshi Rai Resident Of Village - Haldi Chapra, Shat Aanna, P.S. - Maner, Distt. - Patna.
 3. Kishori Rai S/O- Late Vanarshi Rai Resident Of Village - Haldi Chapra, Shat Aanna, P.S. - Maner, Distt. - Patna.
 4. Ramayan Rai S/O- Sri Rajendra Rai Resident Of Village - Haldi Chapra, Shat Aanna, P.S. - Maner, Distt. - Patna.
 5. Ajay Rai S/O- Sri Ram Jivan Rai Resident Of Village - Haldi Chapra, Shat Aanna, P.S. - Maner, Distt. - Patna.

... .. Petitioners

Versus

1. The State Of Bihar
2. Kapilesh Rai S/O- Late Daiv Rai Resident Of Village - Haldi Chapra, Shat Aanna, P.S. - Maner, Distt. - Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-02-2024 Heard learned counsel for the parties.

2. Present application has been filed for quashing of the order dated 26.6.2021, passed by the Judicial Magistrate 1st class, Danapur by which the cognizance was taken against the petitioners and others for the offence under Sections 302, 34 I.P.C. in connection with Maner P.S.Case No.- 123 of 2017/ Sessions Trial No. 481/21.

3. Petitioners want decision on the order taking cognizance by considering all the materials on affidavit in their defence which is not permissible in law.



4. Considering the law laid down by the Hon'ble Supreme Court in the case of **State of Bihar vs P.P. Sharma 1992 Supp (1) SCC 222**, this quashing application is dismissed.

(Prabhat Kumar Singh, J)

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