

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27625 of 2023

Arising Out of PS. Case No.-202 Year-2020 Thana- SIMRI District- Buxar

1. YOGENDRA THAKUR SON OF LATE JAG JEETAN THAKUR R/O VILLAGE- GANGAULI, P.S.- SIMARI (R.D.R.OP.), DISTRICT- BUXAR
2. GANESH THAKUR SON OF YOGENDRA THAKUR R/O VILLAGE- GANGAULI, P.S.- SIMARI (R.D.R.OP.), DISTRICT- BUXAR
3. MUNISH THAKUR @ RAVINDRA THAKUR @ MUNIB THAKUR SON OF LATE JAG JEETAN THAKUR R/O VILLAGE- GANGAULI, P.S.- SIMARI (R.D.R.OP.), DISTRICT- BUXAR
4. RAVI KANT THAKUR SON OF MUNISH THAKUR @ RAVINDRA THAKUR R/O VILLAGE- GANGAULI, P.S.- SIMARI (R.D.R.OP.), DISTRICT- BUXAR
5. BITTU THAKUR SON OF VIJAY THAKUR R/O VILLAGE- GANGAULI, P.S.- SIMARI (R.D.R.OP.), DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 24-10-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application has been filed for quashing the order dated 23.11.2023 passed by the learned A.C.J.M.- IV, Buxar and also for quashing the order dated 28.09.2022 passed by the learned A.D.J.- III, Buxar in connection with Simri P.S. Case No. 202 of 2020, G.R. No. 1790 of 2020, Reg. No. 1790/2020 registered for the offence/s punishable u/ss 147,



149, 341, 323, 504, 379, 307 of the Indian Penal Code.

3. Learned counsel for the petitioners has submitted that the petitioners have committed no offence and have falsely been implicated in this case on baseless ground. It is further submitted that as per FIR, this case has been registered against the five accused persons u/ss 147, 149, 341, 323, 504, 379, 307 of the Indian Penal Code and as per order dated 02.09.2020 passed by the learned A.C.J.M.-IV, Buxar, it is clearly mentioned that after completion of the investigation, the I.O. has submitted final form against the three accused persons (petitioner no. 1, 2 and 3). It is further alleged that the I.O. had not found any material against the petitioner no. 4 and 5, namely, Ravi Kant Thakur and Bittu Thakur respectively. Accordingly, learned court below took cognizance against only three accused persons, namely, Yogendra Thakur, Ganesh Thakur and Munish Thakur @ Ravidnra Thakur @ Munib Thakur u/ss 341, 323, 324, 504 read with section 34 of the Indian Penal Code.

4. Learned counsel has further submitted that, thereafter, the informant filed a Cr. Revision bearing No. 65 of 2020 before the A.D.J.-III, Buxar against the order dated 02.09.2020 passed by the A.C.J.M.- IV, Buxar and learned



A.D.J.-III, Buxar heard the matter on 28.09.2022 and set aside the order dated 02.09.2020 and directed the sub-ordinate court to pass appropriate order in accordance with law. Then vide order dated 23.01.2022, the learned A.C.J.M.-IV, Buxar has taken cognizance against all the five FIR named accused persons u/ss 147, 149, 341, 323, 504, 379 and 307 of the Indian Penal Code.

5. Learned counsel has further submitted that there is no specific allegation against the petitioner no. 4 and 5, namely, Ravi Kant Thakur and Bittu Thakur respectively, therefore, the Investigating Officer had not sent them up for trial. It is further submitted that the order passed by the learned court below is arbitrary and also against the spirit of law.

6. Learned APP for the State has opposed the quashing application of the petitioners by submitting that there is sufficient material available in the case diary against all the accused persons and all the injured witnesses have also supported the involvement of all the petitioners/accused.

7. Considering the above facts and circumstances of the case, this court do not find any merit in the contention of the learned counsel for the petitioners.

8. Accordingly, the present quashing application is



dismissed.

(Chandra Prakash Singh, J)

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