

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32191 of 2023

Arising Out of PS. Case No.-99 Year-2015 Thana- MADHAURAH District- Saran

-
1. SATYENDRA PURI @SATEYENDRA PUTI SON OF YOGENDRA PURI VILLAGE NARHARPUR, MATHIYA, PS- MORHOWRAH, DISTT- SARAN AT CHAPRA
 2. GUDDU PURI @ GUDDU KUMAR PURI SON OF YOGENDRA PURI RESIDENT OF VILLAGE- NARHARPUR, MATHIYA, PS- MORHOWRAH, DISTT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 14-11-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The application is filed for setting aside the order dated 14.03.2023 passed by the learned Additional Sessions Judge, XIIth, Saran at Chapra in Sessions Trial No. 414 of 2022 arising out of Marhowrah P.S. Case No. 99 of 2015 registered under sections 147, 148, 149 and 302 of the Indian Penal Code whereby and whereunder the petition filed under section 227 of the Cr.P.C. for discharging the petitioners in the aforesaid case has been rejected.

3. As per the prosecution case, the petitioners and the



co-accused persons are alleged to have assaulted the informant's brother with Lathi, *Farsa* and sword due to that causing severe injuries and afterall he died during the course of the treatment. It is further submitted that the informant's other family members also sustained injuries.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case due to ulterior motive. It is further submitted that there is general and omnibus allegation against the petitioners. The present case is the counter blast of Marhowrah P.S. Case No. 95 of 2015 filed by the brother of the petitioners.

5. Learned APP for the State has vehemently opposed the quashing application of the petitioners by submitting that it is evident from the FIR that the petitioners are also named in the FIR and there is allegation of assaulting the deceased against the petitioners. It is further submitted that as per the impugned order, the prosecution witnesses in para 7, 8 and other relevant paras of the case diary have also supported the occurrence. There is sufficient ground to proceed against the petitioners

6. Considering the facts and circumstances of this case as well as law laid down by the Apex court in the cases of **P. Vijayan Vs. State of Kerala (2010) 2 SCC 398** and **M.E.**



Shivalinga Murty Vs. CBI (2020) 2 SCC 768, this court do not find it safe to invoke the extraordinary inherent jurisdiction of the court under section 482 of the Cr.P.C. to quash the said impugned order.

7. Accordingly, the present quashing application is dismissed.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

