

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59134 of 2024

Arising Out of PS. Case No.-341 Year-2021 Thana- RIVILGANJ District- Saran

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1. Sri Bhagwan @ Sri Bhagwn Rai Son Of Late Ram Prasad @ Khekhhar Rai Village- Auli Gachhi, Ps- Rivilganj, Dist- Saran at Chapra
 2. Mukesh Rai @ Mukesh Kumar Yadav Son Of Sri Bhagwan Rai @ Sri Bhagwan Village- Auli Gachhi, Ps- Rivilganj, Dist- Saran at Chapra
 3. Ajay Kumar @ Ajay Rai Son Of Ramchandra Rai Village- Auli Gachhi, Ps- Rivilganj, Dist- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Rai Son Of Late Dharmnath Rai Village- Auli Gachhi, Ps- Rivilganj, Dist- Saran at Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate
For the State : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 22-08-2024 Heard the parties.

2. The present application has been filed for quashing the order dated 19.02.2024 passed in Complaint -cum-Protest vide C.R. No. 2788 of 2023 corresponding to Enquiry No. 46 of 2024 its U.T. No. 55 of 2024 arising out of Rivilganj P.S. Case no. 341 of 2021 dated 17.09.2021 by which the learned Magistrate has found *prima facie* case under Sections 302,120-B read with Section 34 of the Indian Penal Code against the petitioners and directed for issuance of summons against them.

3. The present case is a case of murder and I am not



inclined to quash the cognizance order by considering the defence of the petitioners.

4. Accordingly, this application is dismissed.

5. Since the police had submitted final form and cognizance has been taken after 11 months of submission of final form after the protest was filed, the petitioners will pray for anticipatory bail before the Court below.

6. Till consideration of the anticipatory bail of the petitioners, no coercive steps shall be taken against the petitioners in connection with U.T. No. 55 of 2024 arising out of Rivilganj P.S. Case No. 341 of 2021.

(Sandeep Kumar, J)

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