

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5105 of 2019

Arising Out of PS. Case No.-104 Year-2013 Thana- BAHERA District- Darbhanga

Md. Nasir Ansari Late Sukhi Ansari Resident of Village – Pauri, P.S. Bahera,
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhusudan Kumar

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 18-03-2025 Heard learned counsel for the petitioner and learned
counsel for the opposite party No. 2 as well as learned counsel
for the State.

2. The present application has been filed for quashing
the order dated 15.12.2018 passed in Cr. Revision No. 17 of
2018 passed by Additional Sessions Judge, Second, Benipur,
Darbhanga whereby order dated 9.2.2018 passed in Tr.193/18/
G.R. 107/13 by the S.D.J.M., Benipur arising out of Bahera P.S.
Case No.104/13 was confirmed.

3. On 26.3.2013, the informant Md. Noor Hasan had
lodged the F.I.R. as Bahera P.S. Case No. 104/13 against fifteen
persons under Sections 147, 149,341,323,324,325,307,373 and
504 of the Indian Penal Code stating that they have committed
the crime.



4. Though the Magistrate as well as the Revisional Court have held that the case has to be tried by a Sessions Court as the offence under Section 307 of the Indian Penal Code is made out, the learned counsel for the petitioner has tried to assail the impugned orders but has not been able to make out a case. He further submits that if Section 307 of the Indian Penal Code is made out even then it is made out against some accused persons and not against all the accused persons.

5. I am not inclined to interfere in the impugned order of the Magistrate as well as the revisional order, this application is dismissed.

6. However, the petitioner is given liberty to raise the point in the Sessions Court that Section 307 of the Indian Penal Code is not made out against all the accused persons.

(Sandeep Kumar, J)

Saif/-

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

