

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42843 of 2016

Arising Out of PS. Case No.-103 Year-2015 Thana- RAHIKA District- Madhubani

1. Lalu Yadav and Ors Son of late Dukhi Yadav
2. Sonia Devi@Soniya Devi Wife of Lalu Yadav
3. Mostt Gulabiya Devi@Gulab Devi wife of late Dukhi Yadav All are residents of Village Rahika P.S. Rahika District Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bimal Kumar, Advocate

For the Opposite Party : Mr. Smt. Reena Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

4 17-07-2026 On the case being called out, none appears on behalf of the petitioners. Thereafter, the matter was again called up at 12:45 pm., none turned up on behalf of the petitioners to press this application.

2. Perusal of the order sheets reflect that on 19.12.2023, none had appeared on behalf of the petitioners and on 21.12.2023 adjournment had been sought.

3. The learned A.P.P. for the State submits that the petitioners have filed this application for quashing the order dated 28.06.2016 whereby learned 2nd Assistant Sessions Judge, Madhubani had dismissed the application filed under Section 228 of Cr.P.C. He further points out that FIR was instituted



under Sections 341, 323, 324, 504, 34 of the I.P.C., wherein Police after investigation submitted charge-sheet under Section 307 and other sections of the I.P.C as mentioned in FIR. He also submits that learned Lower Court by order dated 28.06.2016 had meticulously examined the evidence on record and finding copious of evidence in the case diary, dismissed the application of the petitioners filed under Section 228 of Cr.P.C., for framing of charge under other sections of the I.P.C., excluding Section 307.

4. Perused the documents brought on record wherefrom it is manifestly evident that FIR bearing Rahika P.S. Case No. 103/2015 dated 02.08.2015 was instituted under Sections 341, 323, 324, 504 and 34 of the I.P.C. whereafter investigation, Police submitted charge-sheet vide charge-sheet no. 137 of 2015 dated 10.09.2016 for the offences under Sections 341, 323, 324, 307, 504 and 34 of the I.P.C. against the petitioners. Vide order dated 08.12.2015, cognizance was taken by learned A.C.J.M. I, Madhubani and the case was committed to the Court of Sessions which was registered as Sessions Trial No. 27 of 2016.

5. On 01.03.2016, the case was fixed for framing of charge, then an application under Section 228 of Cr.P.C. was



filed on behalf the petitioner stating inter-alia therein that offence under Section 307 is not made out. Hence, necessary orders may be passed.

6. Learned 2nd Assistant Sessions Judge, Madhubani having considered the entire gamut of evidence collected in course of investigation and having heard the respective counsel for the parties vide order dated 28.06.2016 rejected the application of accused petitioners filed under Section 228 of the Cr.P.C. holding that in view of the injury report and the evidence collected, the offence under Section 307 I.P.C. is made out against the accused persons.

7. That order passed by learned 2nd Assistant Sessions Judge, Madhubani vide order dated 28.06.2016 is under challenge before this Court.

8. On repeated call when none appeared, then in course of dictation of the order, Ms. Sajda Tarannum appears and prays for adjournment which this Court does not allow. On being requested to assist the Court, Ms. Sajda Tarannum submits that she is not in a position to assist the Court.

9. Order under challenge is of 28.06.2016. Learned counsel for the petitioners, as evident from the order sheet of this case, has shown scant attention to pursue the matter in right



earnest by not assisting the Court in deciding the case on merit.

10. On account of repeated none appearance of the learned counsel on behalf of the petitioners, this Court finds it fit to dismiss the case without expressing its opinion on merit of the case, however, it is made clear that dismissal of the instant case will have no adverse bearing on the on-going trial which is being conducted at the learned Trial Court, Madhubani.

11. Accordingly, this application is dismissed.

(Rana Vikram Singh, J)

Smriti/
Prakash/-

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