

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO.810 OF 2017  
(@ SLP (Criminal) No.931 of 2016)

UMESH PRASAD

APPELLANT (S)

VERSUS

STATE OF BIHAR AND ORS.

RESPONDENT (S)

O R D E R

Leave granted.

The parties who appear before us are brothers.

A complaint was made before the Chief Judicial Magistrate on 12.11.2009 by the appellant before us. Four accused attacked him with a lethal weapon. Summons was issued by the Chief Judicial Magistrate on 01.02.2010, stating that a case is *prima facie* made out under Section 323, 379 and 448 of the Indian Penal Code, 1860. Against the summoning order, a petition was filed under Section 482 of the CrPC before the High Court of Judicature at Patna. This petition was allowed, stating that the petition appears to be frivolous and therefore should be quashed.

Having heard learned counsel for the parties, we are of the view that the complaint clearly makes out a case. The summoning order is therefore completely correct in law. Accordingly, we allow this appeal and set aside the impugned order dated 13.07.2015 passed by the High Court.

.....J.  
(ROHINTON FALI NARIMAN)

.....J.  
(NAVIN SINHA)

NEW DELHI;  
APRIL 28, 2017.

ITEM NO.44

COURT NO.13

SECTION IIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 931/2016  
(Arising out of impugned final judgment and order dated 13/07/2015  
in CRLMN No.15518/2012 passed by the High Court of Patna)

UMESH PRASAD

Petitioner(s)

VERSUS

STATE OF BIHAR AND ORS.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and interim relief  
and office report)

Date : 28/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr.Rakesh Kumar Singh, Adv.  
Mr.Ashok Anand, Adv.  
Mr.Somanatha Padhan, Adv.

For Respondent(s)

Mr.Rajendra Sahu, Adv.  
Mr.Rishabh Sahu, Adv.  
Ms.Hema Sahu, Adv.  
Mr.C.L. Sahu, Adv.

Mr.Gopal Singh, Adv.  
Mr.Shivam Singh, Adv.  
Mr.Aditya Raina, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Ashok Raj Singh)  
Court Master

(Madhu Narula)  
Court Master

(Signed Order is placed in the file)