

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.638 of 2015

Arising Out of PS.Case No. -88 Year- 1995 Thana -BUXAR District- BUXAR

Manoj Lal, Son of Rameshwar Lal, Resident of Charitraban Buxar, P.S. and District
- Buxar. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-08-2015

By way of filing an application under Section 482 of the Code of Criminal Procedure, the petitioner seeks quashing of the order dated 28.11.2014 passed by the learned Additional District & Sessions Judge-III, Buxar in Sessions Trial No. 44 of 2011 arising out of Buxar Town P.S. Case No. 88 of 1995 whereby he has rejected the application filed on behalf of the petitioner for discharge from the aforesaid case.

I have heard learned counsel for the petitioner, learned counsel for the State and perused the record.

It would appear from the record that in a case registered under Sections 149, 448, 353, 337, 435, 427, 333, 379, 307, 102-B

of the Indian Penal Code and 27 of the Arms Act, the petitioner was sent up for trial after completion of investigation. After looking into the materials available on record, the learned Magistrate took cognizance of the offence and committed the case to the court of sessions for trial. The trial court has recorded that there is evidence on record to show that the petitioner was a member of an unlawful assembly armed with deadly weapon which blocked the public road and attempted to kill Sri Suresh Chandra Pal, an Executive Magistrate. The further evidence on record is that the mob restrained the public servant from discharge of duty and they smashed the car of the District Magistrate, Buxar and also caused firing at his residence.

In view of the nature of evidence available on record, the trial court has rightly rejected the application filed under Section 227 of the Code of Criminal Procedure for discharge.

Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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