

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20790 of 2015

Arising Out of PS.Case No. -23 Year- 2010 Thana -GOH District- AURANGABAD

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Anil Sharma son of Jagnarayan Sharma, resident of village- Motha, P.O.-
Rukundi, P.S. Goh, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Arbind Sharma son of Lakhan Sharma, resident of village Motha, P.S. Goh,
District Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Madhuri Kumari, Advocate

For the Opposite Party/s : Mr. Ram Naresh Roy, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 26-06-2015

Heard learned counsel for the petitioner and learned counsel
for the State.

This application under section 482 of the Code of Criminal
Procedure has been filed for quashing the order 31.7.2014/1.12.2014
passed by the learned Sub Divisional Judicial Magistrate, Daud Nagar
in Goh P.S.Case No.23 of 2010 by which he has taken cognizance
against the petitioner for the offence punishable under section 302
read with 34 of the Indian Penal Code.

It has been contended that the petitioner is not named in the
FIR and in course of investigation complicity of the petitioner in the
alleged offence transpired after long delay. It has further been

contended that the investigation of the case has not been conducted in a fair and impartial manner.

Be that as it may, in a serious case of murder name of the petitioner has transpired during investigation. The law gives no immunity to the person not named in the FIR from prosecution.

The Magistrate concerned has considered the materials collected in the course of investigation before passing the order dated 31.7.2014/1.12.2014 and has found sufficient materials to proceed against the petitioner.

I find no illegality in the aforesaid order. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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