

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 46798 of 2012

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Yaswant Kumar Singh @ Jashwant Kumar Singh Son of Amarnath Singh,
Resident of Village - Sukahra Dehri, P.S. Nasriganj, District – Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Singh Son of Jagarnath Singh, Resident of Village -
Makrain, P.S. Dalmiyanagar, District – Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 13-03-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the state.

The present application has been filed under
Section 482 of the Code of Criminal Procedure, 1973 by the
petitioner seeking quashing of order dated 27.09.2012 passed
by the learned 1st Additional Sessions Judge, Rohtas at
Sasaram in Sessions Trial No. 530 of 2011 arising out of Dehri
(T) (Dalmiyanagar) P.S. Case No. 214 of 2011 for offence
punishable under Sections 376/312 of the Indian Penal Code.

Learned counsel for the petitioner submits that
he was the tenant in the house of the informant and had left
the house due to which with mala fide intention, he has been
implicated in the case and further that the medical report
does not support the allegation made against him.

Learned A.P.P. submits that the Court below

after going through the materials produced upon investigation has taken cognizance under Sections 376 and 312 of the Indian Penal Code and in that background, the order not to discharge the petitioner cannot be faulted and that he shall have all opportunity to canvass his defence before the Court below during trial.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court does not find any ground to interfere in the matter. Accordingly, the application stands dismissed.

However, the dismissal of the present case shall not cause prejudice the petitioner during trial.

(Ahsanuddin Amanullah, J.)

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