

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16027 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- NAWADA

=====

Rakesh Kumar, son of Bashudeo Yadav, resident of village Samraitha, P.S. Roh,
Distt. Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Adv.

For the State : Mr. R.B. Roy 'Raman', A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-03-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of non discharge dated 15.4.2011 passed by the 1st Additional Sessions Judge, Nawada, in Special (H) Case No. 94 of 2010 arising out of Roh P.S. Case No. 04 of 2008.

The background fact of the case is that six persons were named in the First Information Report along with ten unknown persons of having committed the murder of one Sanjay Rajwanshi. The Petitioner is not named in the First Information Report nor was he named by any witness. However, in Paragraph-58, suddenly, the Investigating Officer filed an application before the Court praying for remand of the Petitioner in the present case as well from Warisaliganj P.S. Case No. 113 of 2006. It is not known as to under what

circumstances, he filed such an application since no material had transpired against the Petitioner during investigation.

The case diary was called for to ascertain the facts noted above and on going through the case diary which was produced by the counsel for the Petitioner to the A.P.P., the submission of the Petitioner appears correct.

In view of such, the application is allowed and order of non discharge dated 15.4.2011 passed by the 1st Additional Sessions Judge, Nawada, in Special (H) Case No. 94 of 2010 arising out of Roh P.S. Case No. 04 of 2008 is, hereby set aside, as against the Petitioner.

Let case diary produced by the Petitioner, be kept on the record.

(Anjana Prakash, J)

S.Ali/-

U		T	
---	--	---	--