

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43373 of 2012

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Md. Ekramul Haque @ Md. Ekram, Son of Md Abdul Karim, Resident of
Village-Maulanadih, P.S.-Chhabilapur, District-Nalanda. **Petitioner.**
Versus

The State of Bihar **Opposite Party.**

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Ram Sumiran Roy(App)

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 13-03-2015

Heard the learned counsel for the petitioner.

Calling in question the order dated 11.09.2012
passed by the learned court below in S.Trial No.104 of 2012
{Arising out of Rajgir (Chhabilapur P.S.Case No.36 of 2011)}
dismissing the petition of discharge of the petitioner, the present
application under Section 482 Cr.P.C. has been filed.

The learned counsel for the petitioner has
submitted that during the investigation no material has been
collected against the petitioner and even it has been found that the
petitioner was not present on the place of occurrence. It has been
further submitted that the petitioner is a State Government
employee in the office of the State Dispensary, Gopalganj which is
at substantial distance from the place of occurrence. The learned
counsel for the petitioner has placed the impugned order in order
to persuade this Court to take the view that the learned court

below has not exercised its jurisdiction in prescribed manner. It has also been submitted that the learned court below has ignored the provision of Section 319 Cr.P.C where the court has power to proceed against the petitioner, if such evidence surfaces during the trial.

After considering the facts and circumstances of the case and the submissions, it transpires that the learned court below has considered the materials which have come up during the investigation as well as submission on behalf of the petitioner and this Court is not persuaded to find any perversity in the said order.

Accordingly, this application is dismissed.

(V. Nath, J)

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