

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48762 of 2014

Arising Out of PS.Case No. -247 Year- 2012 Thana -MADANPURA District- AURANGABAD

1. Md. Imran @ Imaran Mian Son of Anwar Hussain Resident of Village - Uchauli,
P.S. - Madanpur, District - Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar
2. Gupteshwer Pathak Son of Late Narsingh Pathak Resident of Village - Uchauli,
P.S. - Madanpur, District - Aurangabad (Bihar).

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh No. 6, Adv.
For the State : Mr. Parmanand Pd., A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-09-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of non-discharge dated 18.11.2014 passed by the Additional District and Sessions Judge-IV, Aurangabad, in Sessions Trial No. 253 of 2013/74 of 2013 on the ground that there is no material against the Petitioner.

The case diary has been gone through by the A.P.P who also points out the statement of the alleged victim recorded under Section 164 Cr. P.C. where she has stated that the Petitioner himself was a victim.

In view of such, the application is allowed and the Proceeding including the order of non-discharged dated 18.11.2014,

passed by the Additional District and Sessions Judge-IV, Auranabad,
in connection with Sessions Trial No. 253 of 2013/74 of 2013, so far
as the Petitioner is concerned, is hereby set aside.

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(Anjana Prakash, J)