

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14024 of 2013

Arising Out of PS.Case No. -61 Year- 2012 Thana -PIRPAINTI District- -

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1. Anish Kumar @ Triloki Kumar S/O Parmeshwar Prasad Mahto Resident
Of Village- Koriachak, P.S.- Pirpainti, District- Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma

For the Opposite Party no. 2 : Mr. Sunil Kumar Singh

Mr. Sushil Kumar Singh

For State

Mr. Pancha Nand Pandit (A.P.P)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 23-07-2015 Heard learned senior counsel Sri. Yogesh Chandra Verma, learned counsel for the respondent Sri. Sunil Kr. Singh and learned A.P.P. for the State.

The petitioner seeks quashing of the order dated 25.2.2013 passed by learned Ad-hoc Additional District and Sessions Judge No. 3, Bhagalpur in connection with S.T. No. 1102 of 2012 Trial No. 141 of 2012 arising out of Pirpainty P.S. Case no. 61 of 2012 wherein the petitioner's petition for discharge under Section 227 Cr.P.C. has been rejected. Although, the petitioner is not named in the FIR but in the confessional statement of co-accused Shobha Devi, petitioner has also been made co-accused for the offences punishable under Section 302/34

of the IPC. From the various paragraphs of the case diary i.e. 44, 45, 49, 57, 92, 93 and 94 it appears that they have sufficient materials on the basis of which the petitioner has been charge sheeted.

It has been submitted by the learned Senior counsel for the petitioner that a retracted confession of the co-accused will not be a basis for framing charge against him. Reliance has been placed by him in the case of *Naresh Yadav & anr. -Vs.- The state of Bihar, reported in 1977 BBCJ 369*. It is not a case of retracted confession and there are ample materials available on record as stated hereinabove in the various paragraphs of the case diary under which the discharge petition has been rejected. I see no merit in this application.

This application is dismissed.

(Nilu Agrawal, J)

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