

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5056 of 2011

Arising Out of PS.Case No. 150 Year- 2004 Thana Kanti District- MUZAFFARPUR

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Pintu Sah, S/O Nathuni Sah, resident of Ram Nath Dhamauli, Kalwari, P.S. Kanti, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Hari Mohan Chaudhary, son of late Ram Araj Chaudhary, Proprietor, New Calcutta, Delhi Road, Wage N. H – 28, Chandni Chowk, Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kr. Sinha, Adv.
For the State : Mr. D. Mehta, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-02-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 13.12.2010 by which the Judicial Magistrate, 1st Class, Muzaffarpur, has refused to discharge the Petitioner in Trial No. 1039 of 2010 arising out of Kanti P.S. Case no. 150 of 2004.

It has been submitted that the Petitioner is not named in the First Information Report and subsequently the only material which transpired against him was the confessional statement of the co-accused and, hence, there is no material to substantiate charge under Sections 406, 407 and 409 Indian Penal Code where entrustment is essentially required.

Considering that these are questions of fact which can only be considered at the stage of Trial, I am not inclined to proceed with the matter.

The application stands dismissed.

Let the case diary be remitted to the Court concerned immediately.

(Anjana Prakash, J)

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