

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21148 of 2015

Arising Out of PS.Case No. -32 Year- 2003 Thana -HASANPUR District- SAMASTIPUR

1. Sudarshan Yadav @ Sudarshan Kumar son of Sri Ramdeo Yadav, resident of Village- Sihma, P.S.- Bithan, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Pratap Singh, Adv.
Mr. Sanjiv Sharan, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-05-2015

Heard learned counsel for the petitioner and learned counsel for the State.

This application under section 482 of the Code of Criminal Procedure has been filed for quashing the First Information Report in connection with Hasanpur (Bithan) P.S.Case No.32 of 2003 registered for the offences punishable under sections 147, 148, 149, 302, 448, 447, 380 and 120-B of the Indian Penal Code.

The petitioner is one of the miscreants named in the First Information Report. Admittedly, he has not appeared before the court during investigation or trial. He has been declared absconder by the learned Magistrate. Being emboldened by the acquittal recorded in the case of co-accused persons, who faced trial, the petitioner has

filed this application on the ground that in the trial of the co-accused persons, the witnesses have not uttered a word against the petitioner.

In my view, the application is thoroughly misconceived. The evidence recorded in a case in which the petitioner has not faced trial would be of no help to the petitioner.

The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

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