

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33711 of 2012

Arising Out of PS.Case No. -122 Year- 2003 Thana -null District- EASTCHAMPARAN
(MOTIHARI)

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1. Nand Kishor Upadhyaya @ Sukhari, S/O Kameshwar Upadhaya, resident of
village- Sripur, P.S.- Chhauradano, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Shashi Bhushan Kumar Prasad, S/O Sri Bishwa Nath Prasad, resident of
village- Sripur, P.S.- Chhauradano, District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad No.1, Advocate

For the Opposite Party/s : Mr. Sandeep Kumar, Advocate
APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-04-2015

The Petitioner seeks quashing of the order dated
08.02.2012 by which the Judicial Magistrate, 1st class, Sadar,
Motihari, East Champaran, has refused to discharge the Petitioner in
Tr. No.3259 of 2010/Tr. No.2618 of 2012 arising out of Motihari
Town P.S. Case No.122 of 2003.

It has been submitted on behalf of the Petitioner that the
allegation of kidnapping is absurd since they were co-villagers and
also subsequently the Informant himself is facing prosecution for the
arms said to have been recovered from the house of the accused
persons.

Since these are the question of facts which cannot be
decided at the stage of 482 Cr. P.C., I am not inclined to interfere in

the matter.

The application is dismissed.

The Trial Court is directed to conclude the trial expeditiously without granting unnecessary adjournment to any party.

(Anjana Prakash, J)

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