

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44497 of 2012

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Amit Kumar @ Sudarshan Kumar S/o Sri Sadanand Singh, resident of
village - Chaidha Banni, P.S- Mahesh Khunt, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Shailendra Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 13-03-2015

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

In this case, the petitioner is challenging the order
dated 17th September 2012 passed in G.R. No. 388 of 2012 arising
from Maheshkhut P.S. Case No. 25 of 2012 by which the Sub-
Divisional Judicial Magistrate, Khagaria has rejected the discharge
application of the petitioner.

The short fact of this case is that the informant who is
a Police officer, received an information that at Amit Digital
Studio, the question paper of matriculation is being generated
through photo stat whereupon a Police team was constituted and a
raid was conducted. During raid, the informant and other Police
officers recovered incriminating materials such as 14 pieces of
Government documents bearing its stamp and also machines used

for generating those documents.

The Police after investigation submitted the charge sheet whereupon the petitioner filed an application for his discharge and the court below, vide order dated 17th September 2012, after perusing the case diary, found sufficient materials for the purposes of trial and refused to interfere with the matter. At the stage of charge or discharge, only if case of strong suspicion is made out the court can interfere but in case of mere suspicion it cannot be a basis for interference in the trial.

When in the first information report sufficient materials have been mentioned, there is no scope for this Court to interfere with the impugned order. Accordingly this petition is dismissed.

(Shivaji Pandey, J)

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