

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23428 of 2013**

Arising Out of PS.Case No. -193 Year- 2012 Thana -SAUR BAZAR District- SAHARSA

=====

Md. Muslim S/O Late Md. Ali Bux Resident Of Village- Belha Tola, P.S.-  
Saur Bazar, District- Saharsa

.... .... Petitioner/s

Versus

The State Of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra, Advocate.  
Mr.S.K.Jha, Advocate.

For the Opposite Party/s : Mr. Indra Kr.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR**  
**TRIVEDI**  
**ORAL ORDER**

2      26-04-2016                      Heard learned counsel for the petitioner as well as  
  
learned Additional Public Prosecutor for the State.

Gone through the order impugned.

From the order impugned it is evident that learned  
  
lower court had referred different paragraphs of the case diary in  
  
order to conclude that witnesses have supported the occurrence.  
  
But, failed to identify the status of the petitioner during course of  
  
commission of crime where he happens to be an abater or a  
  
member of an unlawful assembly or actively involved during  
  
course of commission of an occurrence because of the fact that  
  
accused is to be charged for his independent involvement during  
  
course of commission of crime.

That being so, though the petition filed on behalf of the petitioner has been rejected by the order impugned but, during course of framing of charge, the learned lower court will see the individual status of the accused.

With the aforesaid observation, the instant petition is disposed of.

**(Aditya Kumar Trivedi, J)**

AnilKrSinha/-

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