

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35461 of 2013

Arising Out of PS.Case No. -70 Year- 2012 Thana -KAUAKOL District- NAWADA

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1. Ranjay Yadav @ Ranjan Yadav , s/o Late Lalkeshwar Yadav
2. Dinesh Yadav s/o Late Lalkeshwar Yadav
Both resident of village - Bhaluana, P.S. Chandradip, district - Jamui
..... Petitioner/s

Versus

1. The State of Bihar
2. Basudeo Yadav, son of Late Bulak Yadav, resident of village –
Bhaluana, P.S. Chandradip, district Jamui
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar
For the Opposite Party/s : Mrs. Nirmala Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 12-05-2016 Heard Sri Birendra Kumar, learned counsel for the
petitioners and learned A.P.P.

Two petitioners, who are F.I.R. named accused in a case registered under Section 302/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act have prayed for quashing of an order dated 21.6.2013 passed by learned Additional District Judge – I, Nawada. By the said order their discharge petition was rejected.

Learned counsel for the petitioners submits that even the learned Sessions Judge has noticed that in paragraph no. 30 , 31, 32 of the case diary witnesses have stated that the deceased had gone from the place where they were drinking ‘tari’ and thereafter they heard the sound of firing so on the basis of the

statement made in three paragraphs of the case diary it was argued that it is a fit case for discharge whereas on perusal of the impugned order it appears that the learned Sessions Judge has noticed that in other paragraphs there are some materials which are sufficient for framing of charge. In this case after investigation police submitted charge sheet. I do not find any error warranting interference.

The petition stands dismissed.

Petitioners would be at liberty to take the plea, which has been taken in the present petition during the trial at defence stage.

(Rakesh Kumar, J)

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