

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 49385 of 2013

Arising Out of PS.Case No. -32 Year- 2012 Thana -KOTWALI District- PATNA

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1. Nishant @ Nishant Kashyap S/O Arun Kumar Rajak
2. Sunny S/O Rajesh Rajak
Both resident of Mohalla- Makhdumpur, Near Beur Jail, S.K. Vihar
Colony, P.S.- Beur, District- Patna.

.... Petitioners

Versus

1. The State of Bihar
2. Anjali Nirala Daughter of Dipak Kumar R/O Mohalla- Salimpur Ahara,
Lane No. 1 (Opposite Uma Cinema), P.S.- Gandhi Maidan, District- Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr.Adv.
Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Uday Pratap Singh(App)
Mr. Rama Kant Sharma, Sr.Adv.
Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 08-08-2016 Heard Sri Krishna Prasad Singh, learned senior
counsel, who was assisted by Sri Bhaskar Shankar, learned
counsel for petitioners, learned Addl. Public Prosecutor as well as
Sri Rama Kant Sharma, learned senior counsel, who was assisted
by Sri Rajesh Kumar, learned counsel for the informant/opposite
party no. 2.

The present petition was filed for quashing of an order
dated 03-09-2013 passed by learned Addl. Sessions Judge-X,
Patna in Sessions Trial No. 121 of 2013 (arising out of Kotwali
P.S. Case No. 32 of 2012) registered for the offence under

Sections 341, 323, 376 & 120(B) of the Indian Penal Code. By the said order, the petition filed on behalf of petitioners for discharge under Section 227 of the Cr.P.C. was rejected.

At the very outset, Sri Rama Kant Sharma, learned senior counsel for the informant informs that after rejection of discharge petition, sufficient development has taken place before the court below. He submits that after framing of charge, evidence is going on.

Keeping in view the fact that trial has already commenced and evidence is going on, it would not be appropriate for this Court to pass any positive order in favour of petitioners.

The petition stands disposed of.

(Rakesh Kumar, J.)

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