

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.680 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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1. Vivek Kumar @ Vikky Kumar
2. Nishant Kumar Singh @ Nikki, Both are sons of Krishna Kumar Singh Resident of Mohalla-West Lohanipur in the house of Late Ram Niwas Singh, P.S.-Kadamkuan, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Arjun Kumar @ Baital son of Late Alok Lal of Mohalla West Lohanipur, Parmeshwari Singh Lane, P.S. Kadam Kuan, District Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Prasad Sinha, Sr. Advocate
Mr. Pramod Kumar
For the Respondent/s : Mr. S. Dayal, A.P.P.
For the Informant : Mr. Arvind Prasad Singh.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 21-12-2016

The petitioners are accused in Kadam Kuan P.S. Case No. 31/14 registered for the offence punishable under sections 341, 323, 324, 307/34 and section 27 of the Arms Act. The petitioners filed an application for their discharge under section 227 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code).

2. Learned Senior Counsel appearing on behalf of the petitioners has submitted that at the time of occurrence, the informant himself was found to be sleeping and the whole prosecution case stands falsified. He has, accordingly, submitted that considering this fact the court below ought to have allowed the application for



discharge under section 227 of the Code.

3. The submission made on behalf of the petitioners is not convincing. It is not the case of the petitioners that there is absolutely no material against them. On the ground that the police have submitted charge-sheet but not under section 307 of the Indian Penal Code, the application for discharge under section 227 of the Code could not have been allowed.

4. I do not find any illegality in the impugned order. However, the plea which has been taken in the present case shall be available to the petitioners at the stage of trial for the purpose of his defence.

5. This revision application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Amin/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

