

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53010 of 2013

Arising Out of PS.Case No. -334 Year- 2007 Thana -BANKA District- BANKA

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Police Mandal S/O Sri Sukho Mandal, Resident of Village - Dhanua, P.S.
Belhar (Khaser), District - Banka

.... Petitioner

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

For the Opposite Party/s : Mr. Nityanand(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 25-07-2016

Heard Sri Dharendra Kumar, learned counsel for the
petitioner and Sri Nityanand, learned Addl. Public Prosecutor.

The sole petitioner has approached this Court,
invoking inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, with a prayer to quash an order dated
03.10.2013 passed in Sessions Trial No.1278/10 arising out of
Banka P.S. Case no.334/2007 registered for the offence under
section 307 and other allied Sections of the Indian Penal Code. By
the said order, the petition for discharge filed on behalf of the
petitioner under Section 227 of the Code of Criminal Procedure
was rejected.

Learned counsel for the petitioner submits that there
is no specific accusation against the petitioner. However, he

accepts that at the time of occurrence, the petitioner was also present.

In view of the fact that there is allegation of commission of offence under Section 34 of the Indian Penal Code, the submission of learned counsel for the petitioner regarding non-overt act has got no application. I do not find any defect in the impugned order. The petition stands dismissed.

(Rakesh Kumar, J)

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