

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 16030 of 2014

Arising Out of PS.Case No. -168 Year- 2012 Thana -SHRIKRISHNAPURI District- PATNA

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Ravi Ranjan Kumar @ Ravi Ranjan Son of Bishwanath Singh, at present residing of 204, Vashundhra Apartment, Sheikhpura Road, P.S.-Shashtri Nagar, District-Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Satish Kumar Keshri S/O Late Laxmi Prasad Keshri resident at House 154, Patliputra Colony, P.S.-Patliputra at present Heear Panna Complex, Boring Road, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Ranjan Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 08-08-2016 Heard Sri Sharda Nand Mishra, learned counsel for the petitioner and Sri Ranjan Kumar Jha, learned counsel, who has appeared on behalf of informant/opposite party no. 2 on notice issued by this Court.

Earlier, notice was issued by order dated 13-05-2014, in view of the fact that it was submitted that in between the informant and one of the main accused Amit Kumar, compromise had taken place. However, at the very outset, Sri Ranjan Kumar Jha, learned counsel for the informant/opposite party no. 2 informs that compromise has already failed.

The petitioner, in the present petition filed under Section 482 of the Code of Criminal Procedure, has prayed for quashing of an order dated 31-10-2013 passed by learned Judicial

Magistrate 1st Class, Patna in G.R. No. 3611 of 2012 (arising out of S.K.Puri P.S. Case No. 168 of 2012). By the said order, the petition filed on behalf of petitioner for discharge under Section 239 of the Cr.P.C. was rejected. It is not in dispute that petitioner was arrayed as one of the accused in the F.I.R. alongwith one another Amit Kumar. During investigation, accusation was found true and thereafter, chargesheet was submitted and cognizance order was passed. At the stage of charge, a petition for discharge was filed by the petitioner, which was rejected.

It was submitted by learned counsel for the petitioner that save and except the fact that petitioner had signed as a witness there is nothing against the petitioner. This is the ground for discharge, whereas, learned counsel for the informant submits that during investigation, accusation was found true and there is material against the petitioner.

After hearing the parties and considering the facts and circumstances, I do not find any ground for interference with the impugned order.

The petition stands dismissed.

(Rakesh Kumar, J.)

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