

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21963 of 2014

Arising Out of PS.Case No. -72 Year- 2011 Thana -RIVILGANJ District- SARAN

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1. Mithilesh Mishra @ Mithilesh Kumar Mishra, son of Late Shiv Shankar Mishra

2. Sachin Mishra @ Sachin Kumar Mishra, son of Mithilesh Mishra @ Mithilesh Kumar Mishra

Both are residents of village - Mohabat Parsa, Police Station - Revelganj, District - Saran (Chapra)

.... Petitioners

Versus

1. The State of Bihar

2. Dinendra Kumar Mishra, son of Late Radha Krishna Mishra, resident of Village - Mohabat Parsa, Police Station - Revelganj, District - Saran (Chapra)

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 22-08-2016

Heard Sri Umesh Kumar Mishra, learned counsel

for the petitioner, Smt. Sangeeta Sharma, learned Addl. Public Prosecutor as well as Sri Sandeep Kumar, learned counsel, who was assisted by Sri Ajit Kumar, learned counsel for the informant.

Two petitioners have approached this Court, invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order 03.04.2014 passed by the learned Adhoc Additional Sessions Judge-V, Saran at Chapra in Sessions Trial no.523 of 2013 arising out of Revelganj P.S. Case No.72 of 2011 registered for the offence

under Sections 147, 148, 149, 307, 447, 379 of the Indian Penal Code and 27 of the Arms Act. By the said order, the learned court below has rejected the petition filed under Section 227 of the Code of Criminal Procedure for discharge of the petitioners.

Learned counsel for the petitioners has tried to persuade the Court that the petitioners were falsely implicated in this case. He submits that there is case and counter case in between the parties. On the aforesaid ground, the order rejecting the discharge petition was assailed

At the very outset, Sri Sandeep Kumar, learned counsel for the informant informs that after rejection of discharge petition, charges have been framed and till date two witnesses have already been examined.

Keeping in view the fact that the trial has already commenced, there is no reason to examine the correctness of the order on discharge petition. The petition stands dismissed.

It goes without saying that the trial court may not be prejudiced with this order, since this Court has not recorded any opinion on the merit of the case.

(Rakesh Kumar, J)

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