

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41740 of 2013

Arising Out of PS.Case No. -35 Year- 2010 Thana -ARA MUFFSIL District- BHOJPUR

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Binay Kumar Singh @ Vinay Kumar Son of Late Bhagwan Singh Resident
of Village Karara, P.S.-Ara Mufassil in the district of Bhojpur

.... Petitioner

Versus

1. The State of Bihar
2. Sujeet Kumar Son of Shesh Narayan Singh Resident of Village Bhadeya,
P.S.-Ara Mufassil, (Dhobaha) in the district of Bhojpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd. Singh
Mr. Anita Kumari Singh

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 20-06-2016 Heard Sri Akhileshwar Prasad Singh, learned senior
counsel assisted by Smt. Anita Kumari Singh, learned counsel for
the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, invoking inherent jurisdiction of
this Court under Section 482 of the Cr.P.C., has prayed for
quashing of an order dated 14-08-2013 passed by learned Adhoc
Addl. Sessions Judge-V, Ara, Bhojpur in Sessions Trial No. 252
of 2012, arising out of Ara Mufassil P.S. Case No. 35 of 2010,
registered for the offence under Sections 147, 148, 149, 323, 302
and 307 of the Indian Penal Code.

Learned senior counsel for the petitioner assailing the
impugned order submits that in the occurrence, for the first time
on the basis of *ferdbeyan* of one Sujeet Kumar, F.I.R. was lodged,
in which, petitioner was not shown as accused. The petitioner was

not named in the F.I.R. He further submits that in the hospital after the death of the injured, another ferdbeyan was recorded. In the said *ferdbeyan* also, petitioner's name was not disclosed. However, subsequently, the informant and uncle of the informant maliciously implicated the petitioner, as one of the accused. He further submits that police after investigation exonerated the petitioner, but the learned Magistrate, differing with the police report, took cognizance of offence. At the time of charge, a petition for discharge under Section 227 of Cr.P.C. was filed, which has been rejected. Learned senior counsel for the petitioner submits that on the basis of material on record, it was a fit case for discharge.

Keeping in view the fact that there are materials to suggest the involvement of the petitioner, I do not find any ground to interfere with the impugned order. So far as framing of charge is concerned, if there is material to draw an inference regarding commission of offence, that would be sufficient for framing of charge.

I do not find any ground to interfere.

The petition stands dismissed.

(Rakesh Kumar, J.)

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