

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46706 of 2013

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Ashok Agarwal @ Ashok Kumar Agarwal S/O Late Sanwarmal Agarwal,
resident of Mirchaibari, P.S.- Katihar (Sahayak), District- Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Manish

For the Opposite Party/s : Mr. AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 12-07-2016

Heard Sri Ajay Thakur, learned counsel, who was

assisted by Sri Kamlesh Kumar Singh, learned counsel for the
petitioner and learned AC to GA-2.

The petitioner, in the present petition, has made a
prayer for quashing mainly of an order dated 03.10.2013 passed in
Sessions Trial no.499/2013. By the said order, the learned
Sessions Judge has rejected the petition filed under Section 227 of
the Code of Criminal Procedure on behalf of the petitioner for his
discharge.

Sri Thakur, learned counsel for the petitioner, by
way of referring to certain paragraphs of the case diary, submits
that of course in the F.I.R. there is specific allegation of firing,
however during investigation the fact had emerged that while the
bodyguard was cleaning his rifle, firing had taken place and, as

such, it is a fit case for discharge the petitioner, whereas learned State Counsel, opposing the prayer of the petitioner, submits that there is no apparent error in the impugned order warranting interference. He submits that there is specific accusation of firing and after investigation, the accusation against the petitioner was found true and only thereafter chargesheet was submitted against the petitioner and other.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. After perusing the impugned order, the Court is satisfied that it is not a case for interference with the impugned order.

The petition stands dismissed.

(Rakesh Kumar, J)

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