

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51144 of 2013

Arising Out of PS.Case No. -168 Year- 2010 Thana -JAGDIHSPUR District- BHOJPUR

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Laxman Mahto, Son of Late Bhuneshwar Mahto, Resident of Village -
Narayanpur, Police Station - Jagdishpur, District – Bhojpur.

.... Petitioner.

Versus

1. The State of Bihar.
2. Balmiki Mahto, Son of Late Bhuneshwar Mahto Resident of Village -
Narayanpur, Police Station - Jagdishpur, District – Bhojpur.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr.

For the State : Mr.

For the Opposite Party No.2 : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 20-06-2017

Heard learned counsel for the petitioner, learned A.P.P. for
the State and the learned counsel for the opposite party no.2.

2. This application, under Section 482 of the Code of
Criminal Procedure, is directed against the order dated 10.09.2013
passed in Sessions Trial No.442 of 2011, arising out of Jagdishpur
P.S. Case No.168 of 2010, whereunder the court of the Adhoc
Additional Sessions Judge-V, Ara, Bhojpur, rejected the application
of the accused-petitioner, filed under Section 227 of the Code of
Criminal Procedure, to discharge him.

3. Learned counsel for the petitioner submits that there is



case and counter case between the petitioner and the opposite party no.2 and due to land dispute, the petitioner has falsely been implicated in this case but the Adhoc Additional Sessions Judge-V, Ara, Bhojpur, without considering the same, rejected the application of the petitioner, filed under Section 227 of the Code of Criminal Procedure, to discharge him.

4. From perusal of the impugned order, it appears that the Adhoc Additional Sessions Judge-V, Ara, Bhojpur, on going through the materials, available on the record, rejected the application of the petitioner, filed under Section 227 of the Code of Criminal Procedure, to discharge him. As such, I find no illegality in the impugned order amounting to an abuse of the process of the court for interference with the same in an extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application stands dismissed.

(Rajendra Kumar Mishra, J)

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