

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20931 of 2014

Arising Out of PS.Case No. -104 Year- 2006 Thana -BAKHTIYARPUR District- PATNA

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1. Pankaj Kumar Son of Amo Singh @ Narendra Pd. Sharma Resident of Village -
Salimpur, Police Station - Salimpur (Bakhtiyarpur), District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

2. Nirmala Devi Wife of Late Binod Sharma @ Karu Singh Resident of Village and
police station - Salimpur (Bakhtiyarpur), District - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 15-09-2017

Heard Mr. Jitendra Kumar Roy, learned counsel appearing
on behalf of the petitioner as well as learned counsel for the State.

In this case, vide order dated 28.06.2017, case diary was
called for.

Learned counsel for the State on the basis of case diary
submits that several witnesses have made their statement with regard to
the involvement of the petitioner in the commission of the offence.

Mr. Roy, learned counsel for the petitioner submits that in
the instant case the police has submitted final form and during course of
investigation the police has found that at the relevant time the petitioner
was admitted in hospital. Other accused persons, who were put on trial,
were acquitted.

Having heard the parties, considering the fact that several



witnesses have made statement against the petitioner, this Court is not in position to evaluate the material for the purpose of testing the correctness of the order taking cognizance.

Materials on which Mr. Roy has placed reliance in this case may be relevant for consideration at the time of passing further order in this case at the subsequent stage.

Accordingly, the application is disposed of with liberty to the petitioner to file a petition before the court below indicating therein all the materials including the fact that the police has already submitted final form and during course of investigation the specific case of the petitioner of *alibi* was found correct.

The court below is expected to dispose of such application, if filed on behalf of the petitioner, by a reasoned speaking order addressing all the issues including the issue of submission of final form and *alibi* of the petitioner and other facts that other accused persons, against whom charge sheets were submitted and sessions trial was started, have been acquitted in the trial.

With the aforesaid observation, the application stands disposed of.

(Anil Kumar Upadhyay, J.)

Rakhi

AFR/NAFR	
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