

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15408 of 2016

Arising Out of PS.Case No. -127 Year- 2013 Thana -MOTIHARI MUFASIL District- EAST
CHAMPARAN (MOTIHARI)

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1. Vidya Sahani Son of Late Magar Sahani
2. Vinay Sahani Son of Suresh Sahani
3. Chandeshwar Sahani Son of Radhe Shyam Sahani All Residents of Village-
Ajagarwa, Police Station- Lakhaura, District- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandrika Sahani Son of Jangi Sahani, Residents of Village- Ajagarwa, Police
Station- Lakhaura, District- East Champaran, Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Pandey, Adv.
For the Opposite Party/s : Mr. Ram Chandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 16-08-2017

Heard learned counsel for the petitioners and learned
counsel for the State.

2. This application under Section 482 of the Code of
Criminal Procedure has been filed for quashing of the order dated
10.02.2016 passed by the learned Additional Sessions Judge-13, East
Champaran at Motihari in Sessions Trial No. 321 of 2015 arising out
of Motihari Mufassil P.S.Case No. 127 of 2013 whereby the petition
filed by the petitioners under Section 227 of the Code of Criminal
Procedure has been rejected.

3. It is submitted by the learned counsel for the petitioner



that the case is based on circumstantial evidence and the name of the petitioners has been given by the informant only on the basis of hypothetical presumption and wild suspicion. He has submitted that there is no legal evidence on the basis of which the trial court could have charged the petitioners for the offences under Sections 302 and 120-B of the Indian Penal Code.

4. On the other hand, learned counsel for the State has submitted that the petitioners are not only named in the FIR, but ample material was collected against them during investigation. It is submitted that the learned court below has taken note of several circumstances, which clearly indicate involvement of the petitioners in the alleged incident.

5. I have heard learned counsel for the parties and perused the record.

6. It would be manifest from the record that the petitioners have been named in the FIR instituted on the basis of the written report of the informant Chandrika Sahni whose brother Police Sahni was killed in the incident. It would further be evident that during investigation it transpired that co-accused Mukesh Sahni had threatened only two days prior to the date of incident that one brother of the informant would be killed and Mukesh Sahni and these petitioners were found at the place of occurrence on the alleged date



of incident. The learned Additional Sessions Judge has also taken note of the evidence, which transpired during investigation that at the instance of the petitioners, on the alleged date of occurrence, the Generator Operator had shut down the Generator when the occurrence took place. In view of the aforesaid materials and other materials collected during investigation, the trial Judge was of the view that there are materials to frame charge and proceed with the trial.

7. I see no illegality in the order dated 10.02.2016 passed by the learned Additional Sessions Judge-13, East Champaran, Motihari in Sessions Trial No. 321 of 2015 arising out of Motihari Mufassil P.S.Case No. 127 of 2013. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18-08-2017
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