

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.525 of 2015

Arising Out of PS.Case No. -48 Year- 2013 Thana -KARAHGAR District- SASARAM (ROHTAS)

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1. Anil Singh Son of Dudhnath Singh
2. Kanhaiya Singh Son of Firangi Singh Both are residents of Vill-
Bakasara, P.S-Kargahar, Distt.-Rohtas

.... Petitioners

Versus

1. The State of Bihar
2. Shobha Devi Wife of Gija Shankar Choubey, Resident of Village-
Tetariya, P.S.-Kochas, Distt.- Rohtas

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Raghunandan Kumar Singh, Advocate.
For the Opposite Parties: Mr. R.P.S.Singh(App).

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 27-02-2017 Heard both sides.

The petitioner filed this petition under Section 482 of the Code of Criminal Procedure to quash the order dated 04.08.2014 passed in Sessions Trial No. 366 of 2013 by which the petition filed under Section 227 Code of Criminal Procedure Code (hereinafter to be referred to as the 'Code') is dismissed.

Learned counsel for the petitioner submits that the petitioners are not named in the FIR. The petitioners were not put on test identification parade. The victim disclosed the circumstances on the basis of which no sufficient material is collected to frame charge under Section 376 of the Indian Penal Code. There was some altercation between the informant and the



petitioners that is why on the order of the superior police official charge sheet is submitted against the petitioners also.

From perusal of the FIR and the order, it appears that the victim disclosed the identity and physique of the accused. After investigation, the police found the involvement of the petitioners true. There is a circumstantial evidence which in my view is sufficient to frame charge against the petitioners also.

Having considered the facts, I do not find any merit in this petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J.)

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