

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.51439 of 2013**

Arising Out of PS.Case No. -321 Year- 2007 Thana -MAKHDUMPUR District- JEHANABAD

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Satyendra Yadav, S/o Suryadeo Yadav, Resident of Village- Lakhawar,  
P.S.- Ghosi, District- Jehanabad.

.... .... Petitioner

Versus

1. The State of Bihar
2. Jhulan Yadav, S/O Late Din Dayal Yadav, Resident of Village- Mira Bigha, P.S.- Makhdumpur (Tehta O.P.), District- Jehanabad.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Ranjan

For the Opposite Party/s : Mr. Rina Sinha(App)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**  
**ORAL ORDER**

11 22-06-2017

Heard.

This application has been filed under Section 482 of the Code of Criminal Procedure to quash the order dated 07.05.2008 passed in Makhdumpur P.S. Case No. 321 of 2007, whereunder, Chief Judicial Magistrate, Jehanabad rejected the application of the petitioner and one other co-accused Dinesh Yadav filed under Section 227 of Cr.P.C. for discharge.

Learned counsel for the petitioner submits that one Satendra Yadav was named in the F.I.R. but his parentage and village are different with petitioner. In course of investigation one Balbir Yadav gave his confessional statement detailing the name of the petitioner having hand in the present case, but he also later on gave an application to the Police Station Makhdumpur sending the copy to the Chief Judicial Magistrate that his confessional statement has been recorded under coercion and undue pressure. But, learned Chief



Judicial Magistrate without proper appreciating the materials available in the case diary has rejected the application of the petitioner and one co-accused Dinesh Yadav filed under Section 227 of the Code of Criminal Procedure to discharge.

The report as called for regarding stage of trial has been received to the Court of 3<sup>rd</sup> Addl. Sessions Judge, Patna, which disclosed that out of 12 witnesses cited in the Chargesheet, 07 witnesses have already been examined.

On going through the impugned order, I do not find any illegality amounting to abuse of process of Court for interference in extraordinary jurisdiction under Section 482 Cr.P.C. Accordingly, this application is dismissed. However, the petitioner would be at liberty to raise his point as raised herein before the trial court at appropriate stage.

**(Rajendra Kumar Mishra, J)**

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