

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.51 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

=====

1. Anil Kumar Sinha @ Bhanu Prasad, Son of Bisheshwar Prasad, resident of village & P.O. Noawan, P.S. Asthawan, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. N. K. Sharma
Mr. Shambhu Sharan Sharma
Ms. Khushboo Kumari
For the Respondent/s : Mr. Kumar Ranjit Ranjan

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 02-03-2017

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

2. The petitioner is aggrieved by an order, dated 215.10.2013, passed by learned Additional Sessions Judge V, Patna City, Patna, in Sessions Trial No. 664 of 2013, whereby he has rejected an application filed by the petitioner under Section 227 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the Code").

3. The petitioner is not named in the First Information Report of Alamganj Police Station Case No. 52 of 2011, registered for the offence punishable under Sections 326/307/302/34 of the Indian Penal Code and Section 27 of



the Arms Act, 1959. The Police had initially submitted charge sheet against two out of seven persons named in the First Information Report, keeping investigation against others pending.

4. A supplementary charge sheet was, thereafter, filed by the Police against other accused persons named in the First Information Report and this petitioner. Cognizance of the offence was accordingly taken by the learned Additional Chief Judicial Magistrate, Patna City.

5. With a plea that charge sheet against the petitioner was submitted without any cogent evidence, the petitioner filed the said application, under Section 227 of the Code. He contended before the learned Court below that for the first time, his name surfaced when the informant gave an application to the Sub-Divisional Police Officer.

6. I have perused the impugned order. The learned Court below has referred to various paragraphs of the case diary to conclude that no case of discharge under Section 227 of the Code was made out. The materials collected in course of the investigation point out specific role of the petitioner leading to commission of the offence.

7. I do not find the order to be erroneous, requiring interference by this Court in revisional jurisdiction.

8. It goes without saying that the petitioner shall



have the liberty to raise the points taken in the present application at the stage of trial for his defence.

9. This application stands dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11-03-2017
Transmission Date	11-03-2017

