

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45510 of 2014

Arising Out of PS.Case No. -42 Year- 2013 Thana -ASARGANJ District- MUNGER

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Kunal Kumar @ Kunal Kumar Choudhary Son of Deo nandan Choudhary Resident
of Village - Lakhanpur, P.S. tarapur, Dist.-Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ashwani Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 15-09-2017

Heard Shri Ashwani Kumar Sinha, learned counsel for the
petitioner.

2. The petitioner has challenged the order dated 18.10.2014
passed by the learned Special Judge (S.C./S.T.) Act-cum-Additional
Sessions Judge- 1st, Munger, whereby and whereunder the prayer of
the petitioner for discharge, has been rejected.

3.The informant had lodged an FIR bearing Asarganj P.S.
Case No. 42 of 2013 under sections 364, 302, 201 and 34 of the
Indian Penal Code, *inter alia*, stating therein that her husband has
been killed and his dead body has been disappeared by the accused
persons.

4. The Police after making full investigation of the case
filed the charge sheet against various accused persons including the



petitioner herein finding out a *prima facie* case against the petitioner. After filing of the charge sheet, the learned trial court had taken cognizance against the petitioner herein. Thereafter the petitioner had filed a petition for discharge under Section 227 of the Criminal Procedure Code which has been dismissed.

5. I find from perusal of the records that only after filing of the charge sheet, the learned trial court has taken cognizance and by an order dated 18.10.2014, the learned trial court has rightly rejected the prayer of petitioner for discharge especially on account of the fact that such type of matters require full-fledged trial.

6. I find no infirmity in the order dated 18.10.2014 passed by the learned trial court. Accordingly, the present petition is dismissed.

7. However, in view of the facts and circumstances of the present case, I deem it fit and proper to direct the trial court to complete the trial within a period of six months.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

