

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.49 of 2015

- =====
1. Brijnandan Sharma, son of Late Rameshwar Singh, resident of village Balhma, Police Station Daudnagar, District Aurangabad
 2. Upendra Sharma, son of Brijnandan Sharma, resident of villae Balhma, Police Station Daudnagar, District Aurangabad

.... Petitioners

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioners : Mr. Ashok Kumar Singh

For the State : Ms. Pronati Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 03-03-2017 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor representing the State.

By the impugned order, dated 27.11.2014, learned Judicial Magistrate, 1st Class, Daudnagar, has rejected the petitioners' application for their discharge under Section 239 of the Code of Criminal Procedure, 1973, in connection with G.R. No. 2467 of 2004/Trial No. 2241 of 2012.

From the materials on record and the impugned order, I find that the petition for discharge was based on the plea of the petitioners that the place from where recoveries were made was not in the possession of these petitioners. This is not in dispute that the petitioners also reside in the same house, which is jointly possessed by this



petitioners and one Dharmendra Sharma.

I do not find any case for discharge is made out under Section 239 of the Code of Criminal Procedure, 1973. The order impugned does not warrant interference.

This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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