

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2260 of 2015

Arising Out of PS.Case No. -733 Year- 2001 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Durgesh Choubey Son of Late Ram Nath Choubey Resident of Village -
Amandehara, P.S- Kargahar, District - Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey

For the Opposite Party/s : Mr. Rakesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 03-03-2017 Heard both sides.

The petitioner has filed this petition for quashing the order dated 18.07.2014 passed in Sessions Trial No. 272 of 2008 by which the petition of the petitioner for his discharge has been dismissed.

The learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. Of course, the witnesses have stated about physical identity of the accused persons, but nobody has named the petitioner, whereas the victim made his statement under Section 164 Cr. P.C., but he did not disclose the name of the petitioner. One co-accused, namely, Pappu Tiwary has already been discharged by this Court vide order passed in Cr. Misc. No.



34974 of 2009, but it appears that many witnesses disclosed about involvement of the petitioner in kidnapping of the victim. The petitioner was arrested and he also confessed his guilt and disclosed his involvement.\

Thus, I find that there are sufficient materials to frame charge against the petitioner and the learned Sessions Judge has rightly dismissed the petition of the petitioner for his discharge.

Having considered the facts and circumstances, I do not find any merit in this petition. It is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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