

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49726 of 2014**

Arising Out of PS.Case No. -24 Year- 2010 Thana -GOH District- AURANGABAD

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1. Niranjan Kumar @ Bhim, son of Nand Lal Singh
2. Ramakant Singh, son of Ramadhar Singh
3. Baleshwar Singh, son of Late Jagdeo Singh
4. Arjun Singh, son of Baleshwar Singh
5. Nandlal Singh, son of Ramadhar Singh
6. Dinanath Singh, son of Ramadhar Singh

All residents of village – Koshdihra, P.S. – Goh, District – Aurangabad, Bihar.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Lokesh Kr. Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL JUDGMENT**

**Date: 01-11-2017**

Heard learned counsel for the petitioners, learned counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor representing the State.

2. Learned counsel for the petitioners submits that the impugned order dated 14.10.2014 passed by the learned *Ad hoc* Additional Sessions Judge – II, Aurangabad, in Goh P.S. Case No. 24.2010, S. Tr. No. 379/13/376/13, suffers from legal infirmity inasmuch as he has not appreciated the materials available on the record particularly pointing out that there was nothing against Nandlal Singh



and the accused Baleshwar Singh, who is aged about 81 years.

3. On the other hand, learned counsel representing the informant submits that the learned *Ad hoc* Additional Sessions Judge – II, Aurangabad has gone through the entire records and has passed a well discussed and reasoned order in which he has taken note of the statement of the witnesses examined and those statements are recorded in several paragraphs of the case diary.

4. Learned Additional Public Prosecutor representing the State submits that, at this stage, trial court is not required to appreciate the evidences to find out whether in ultimate analysis, conviction is likely to take place, and if there are sufficient materials showing ingredients of the offences alleged, the learned trial court has rightly rejected the application for discharge.

5. I have perused the impugned order and the materials available on the record and have further considered the rival submissions at the bar, it appears that earlier the petitioners had moved this court in Cr. Misc. No. 23290/2011 being aggrieved by the order taking cognizance and issuance of summons. It is not in dispute that at that



stage also the plea that nothing has come against Nandlal Singh was taken for setting aside the order taking cognizance and issuance of summon in respect of the said Nandlal Singh, but that plea was not accepted by this court. Further, learned *Ad hoc* Additional Sessions Judge – II, Aurangabad, has, in the impugned order, recorded that in the case diary several witnesses have supported the prosecution case.

6. It is true that, at this stage, the trial court is not required to appreciate the evidences to find out whether in ultimate analysis, conviction is likely to take place or not. The order is a well reasoned order and I do not find any perversity in the impugned order so as to interfere at this stage.

7. This application has no merit. It is dismissed, accordingly.

**(Rajeev Ranjan Prasad, J.)**

Rajeev/-

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