

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29545 of 2011

Arising Out of PS.Case No. -264 Year-2006 Thana -Complaint Case District- NAWADA

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Ashok Kumar Barnwal @ Ashok Prasad Son of Late Gopal Lal, Resident of
Mohalla- Tel Bigha, Gaya, Bouaji Tangawali Gali, P.S.- Kotwali, District - Gaya
.... Petitioner

Versus

1. The State Of Bihar
2. Gouri Shankar Prasad, Son of Late Bhagwan Lal, Resident of Mohalla Main
Road, Warsaliganj, P.S. Warsaliganj, District Nawada
.... Opposite Parties

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Appearance :

For the Petitioner : None
For the State : Mr. Surendra Kumar, APP
For the O.P. No. 2 : Mr. Ram Prawesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-05-2017

The present petition has been filed for quashing the order dated 09.06.2011 passed by Additional District Judge-I, Nawada in Sessions Trial No. 118 of 2010 arising out of Complaint Case No. 264 of 2006 by which the learned Additional District Judge has rejected the petition of the petitioner under Section 227 of the Code of Criminal Procedure.

2. None appears on behalf of the petitioner despite repeated calls.

3. Learned counsel for the opposite party no. 2, being the complainant and father-in-law of the petitioner's daughter, appears and opposes the petition, submitting that the learned court below has rightly rejected the discharge petition having regard to the specific accusations against the petitioner and other accused persons. A counter affidavit has been filed on behalf of the opposite party no. 2, *inter alia*, containing a copy of the fardbeyan of the complainant's son



Pankaj Kumar according to which the petitioner, father-in-law of the said Pankaj Kumar, his wife and two sons required Pankaj Kumar to get Rs. 2,00,000/- from his father, threatening him with dire consequences upon failure. Specific allegation against the petitioner is that his son Sanjeev Kumar alias Tinku together with others set fire to Pankaj Kumar after pouring kerosene oil on his body, seeing which the petitioner's daughter Anuradha Devi (wife of Pankaj Kumar) also set fire to herself. Both Pankaj Kumar and Anuradha Devi subsequently died of burn injuries.

4. Having perused the materials available on record, this Court is not inclined to interfere in the matter. The learned court below has noted the relevant facts relating to the case. It has also taken note that Pankaj Kumar died due to severe burn injuries and that during enquiry the witnesses had supported the circumstances of burn of Pankaj Kumar, son of the complainant.

5. In the above circumstances, this Court is of the view that the petitioner has failed to make out a case that there was no sufficient ground for proceeding against him. This Court, therefore, finds no error in the impugned order passed under Section 227 of the Cr.P.C. The present petition stands dismissed.

B.T/-

(Vikash Jain, J)

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