

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 38966 of 2012

Arising Out of PS. Case No.-278 Year-2010 Thana- SC ST District- Vaishali

Meena Devi W/O Kailash Ram Resident of Village- Mankauli, Police Station- Kurhani (O.P.- Fakuli), District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Bindeshwar Rai S/O Chaturi Rai Resident of Village- Mankauli, Police Station- Kurhani (O.P.- Fakuli), District- Muzaffarpur

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh

For the Opposite Party/s : Mr. Ram Chandra Singh(APP)

Smt. Bela Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date : 11-09-2017

Heard Sri Rana Sanjay Kumar Singh, learned counsel for the petitioner, Sri Ram Chandra Singh, learned Addl. Public Prosecutor as well as Smt. Bela Singh, learned counsel appearing on behalf of accused/opposite party no. 2.

2. The petitioner is the informant of SC/ST P.S. Case No. 278 of 2010. The petitioner has approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, with a prayer to quash an order dated 08-08-2012 passed in Sessions Trial No. 357 of 2012/Tr. No. 25 of 2012 (arising out of SC/ST P.S. Case No. 278 of 2010). By the said order, the learned Trial Judge has partly allowed the petition for discharged filed on behalf of opposite party no. 2. The learned Additional Sessions Judge 1st -cum- Special Judge SC/ST,



Muzaffarpur, considering the fact that offence alleged under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was not committed in the public view, had partly allowed the discharge petition. However, the petition in respect of offence under Sections 341, 323, 354 of the Indian Penal Code has been rejected.

3. Learned counsel for the petitioner tried to persuade the Court that order impugned is erroneous, since during investigation, sufficient materials were collected.

4. However, on perusal of the material on record, particularly the impugned order, I do not find any apparent error warranting interference.

5. The petition stands dismissed.

6. Considering the fact that the case pertains to the year 2010, while dismissing, it is desirable to observe that learned court below may take appropriate steps so that the case may come to its logical end without unnecessary delay.

(Rakesh Kumar, J.)

Anay

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